2025

THORNE BAY MUNICIPAL CODE

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THORNE BAY CITY COUNCIL

Codified December 16, 2025

By Caitlyn Sawyer, City clerk

Thorne Bay Municipal Code is updated by the City Clerk upon adoption of any amendments to the Title or Chapters. You will see the last time each title was amended by referencing the date in the header of each Title.

TABLE OF CONTENTS:

TITLE 1 - GENERAL PROVISIONS	4
TITLE 2 - ADMINISTRATION AND PERSONNEL	41
TITLE 3 - REVENUE AND FINANCE:	166
TITLE 4 - RESERVED	221
Title 5 - BUSINESS TAXES & REGISTRATION	223
TITLE 6 – ANIMALS	229
TITLE 7 - RESERVED	243
TITLE 8 - HEALTH AND SAFETY	245
TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE	256
TITLE 10 - VEHICLES AND TRAFFIC	294
Title 11 – RESERVED	319
TITLE 12 - STREETS, SIDEWALKS & PUBLIC PLACES	320
TITLE 13 – UTILITIES	337
TITLE 14–RESERVED	386
TITLE 15 - BUILDING & CONSTRUCTION	387
TITLE 16 - SUBDIVISIONS	397
TITLE 17 - ZONING	422
TITLE 18 - BOAT HARBOR	508
TITLE 19 – PUBLIC LIBRARY	537
Thorne Bay municipal Code	537
Ordinance list & disposition table	541

2023

TITLE 1 GENERAL PROVISIONS

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TITLE 1 - GENERAL PROVISIONS

CHAPTER 1.01 CODE ADOPTION: 6

1.01.010 ADOPTION. 6
1.01.020 TITLE-CITATION-REFERENCE. 6
1.01.030 CODIFICATION AUTHORITY. 6
1.01.035 GENERAL CLEAN-UP. 6
1.01.040 ORDINANCES PASSED PRIOR TO ADOPTION OF THE CODE. 6
1.01.050 REFERENCE APPLIES TO ALL AMENDMENTS. 7
1.01.060 TITLE, CHAPTER AND SECTION HEADINGS. 7
1.01.070 REFERENCE TO SPECIFIC ORDINANCES. 7
1.01.080 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS. 7
1.01.090 EFFECTIVE DATE. 8
1.01.100 CONSTITUTIONALITY. 8

CHAPTER 1.04 - GENERAL PROVISIONS SECTIONS: 9

1.04.010 TITLE. 9
1.04.020 DEFINITIONS-RULES OF CONSTRUCTION. 9
1.04.030 ABBREVIATIONS. 10
1.04.040 CATCH LINES OF SECTIONS. 10
1.04.050 ADMINISTRATIVE RULES & REGULATIONS- PUBLICATION OR POSTING. 10
1.04.060 AMENDMENT-ADDITION-REPEAL. 10
1.04.070 UNLAWFULLY ALTERING CODE. 11
1.04.080 TEMPORARY AND SPECIAL ORDINANCES TO REMAIN IN EFFECT. 11
1.04.090 REPEAL OF ORDINANCES. 12
1.04.100 SEVERABILITY OF PARTS OF CODE. 12

CHAPTER 1.08 - NAME OF MUNICIPALITY SECTIONS: 13

1.08.010 DESIGNATED. 13

CHAPTER 1.12 - FORM OF GOVERNMENT 13

1.12.010 DESIGNATED. 13

CHAPTER 1.14 - EXTRATERRITORIAL JURISDICTION SECTIONS: 13

1.14.010 EXTRATERRITORIAL JURISDICTION POWERS ADOPTED. 13

CHAPTER 1.16 - GENERAL PENALTY SECTIONS: 14

1.16.010 INTEGRATION INTO OTHER ENACTMENTS. 14
1.16.020 PERSON DEFINED. 14
1.16.030 VIOLATIONS-SEPARATE OFFENSE. 14
1.16.031 SURCHARGE. 14

1.16.035 MINOR OFFENSE FINE SCHEDULE. 14
1.16.040 PARENTS OR GUARDIANS RESPONSIBLE FOR DAMAGES CAUSED BY MINORS. 39
1.16.050 DAMAGE TO CITY PROPERTY. 39

CHAPTER 1.01 CODE ADOPTION:

1.01.010 ADOPTION.

As authorized by Section 29.48.180 of the Alaska Statutes, there is adopted the "Thorne Bay Municipal Code," as compiled, edited and published by the City Clerk. (Ord. 89-08 § 1, 1989)

1.01.020 TITLE-CITATION-REFERENCE.

This code shall be known as the "Thorne Bay Municipal Code" and it shall be sufficient to refer to the code as the "Thorne Bay Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Thorne Bay Municipal Code." Further reference may be had to the titles, chapters, sections, and subsections of the "Thorne Bay Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 89-08 § 2, 1989)

1.01.030 CODIFICATION AUTHORITY.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Thorne Bay, Alaska, codified pursuant to the provisions of Section 29.48.180 of the Alaska Statutes. (Ord. 89-08 § 3, 1989)

1.01.035 GENERAL CLEAN-UP.

The city clerk is authorized to make changes of a general clean-up nature, correcting such things as typographical errors, grammatical errors, and references to other parts of the code of ordinances when code sections are renumbered. (Ordinance 18-12-18-02)

1.01.040 ORDINANCES PASSED PRIOR TO ADOPTION OF THE CODE.

The last ordinance included in the initial code is Ordinance 88-41, passed August 4, 1988. The following ordinances passed subsequent to Ordinance 88-41, but prior to the adoption of this code, are adopted and made a part of this code: Ordinances 88-42, 88-43, 88-44, 88-45, 88-47, 88-48, 88-50, 88-55, 89-02, 89-03, 89-05, 89-07 and 89-08. (Ord. 89-08 § 4,1989)

1.01.050 REFERENCE APPLIES TO ALL AMENDMENTS.

Whenever a reference is made to this code as the "Thorne Bay Municipal Code" or to any portion thereof, or to any ordinance of the City of Thorne Bay, Alaska, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 89-08 § 5, 1989)

1.01.060 TITLE, CHAPTER AND SECTION HEADINGS.

Title, chapter, and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 89-08 § 6, 1989)

1.01.070 REFERENCE TO SPECIFIC ORDINANCES.

The provisions of this code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 89-08 § 7, 1989)

1.01.080 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City of Thorne Bay shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations there under appertaining shall continue in full force and effect. (Ord. 89-08 § 8, 1989)

1.01.090 EFFECTIVE DATE.

This code shall become effective on the date the ordinance adopting this code as the "Thorne Bay Municipal Code" becomes effective. (Ord. 89-08 § 9, 1989)

1.01.100 CONSTITUTIONALITY.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 89-08 § 10, 1989)

CHAPTER 1.04 - GENERAL PROVISIONS SECTIONS:

1.04.010 TITLE.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Thorne Bay City Code," and may be so cited. (Ord. 88-22 § 5(part), 1988)

1.04.020 DEFINITIONS-RULES OF CONSTRUCTION.

A. In the construction of this code and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

B. "Chief administrator" means the mayor, except that it means city administrator in the event the city has a manager plan adopted pursuant to as 29.20.460 et seq., or its successor.

C. "The City" or "this city" shall be construed as if the words "of Thorne Bay" follow the word "city," and shall extend to and include its several officers, agents and employees.

D. "City Attorney" means the attorney of the city.

E. "City Clerk" means the city clerk of the city.

F. "City Council" or "council" means the city council of the city.

G. "City Administrator" means the city administrator of the city.

H. Computation of time. Whenever a notice is required to be given or an act to be done ascertain length of time before any proceeding shall be had, the day on which such notices given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

I. Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as males.

J. Interpretation. In the interpretation and application of any provisions of this code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the code imposes greater restrictions upon the subject matter than the general provision imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

K. "Mayor" means the mayor of the city.

L. “Number”. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

M. "Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" or "affirmed."

N. Or, And. "or" may be read "and" and "and" may be read "or" if the sense requires it.
O. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.
P. "Person" extends and applies to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals or groups of individuals.
Q. "Personal Property" includes every species of property except real property where otherwise provided in this code.
R. "Regular Meeting" or "Meeting," whenever the sense of a sentence requires, means “Regular Or Special Meeting."
S. "State" or "this state" means the state of Alaska.
T. “Tense”. Words used in the present or past tense include the future as well as the present or past. (ord. 98-01 § 3(part), 1998; ord. 88-22 § 5(part), 1988)

1.04.030 ABBREVIATIONS.

A. Whenever in this code the letters "AS" are used, they mean Alaska Statutes.
B. Whenever in this code the letters "SLA" are used, they mean Session Laws of Alaska.
C. Whenever in this code the letters "TBCC" or “TBMC” are used, they mean Thorne Bay City Code, or Thorne Bay Municipal Code. (Ord. 88-22 § 5(part), 1988)

1.04.040 CATCH LINES OF SECTIONS.

The catch lines of the several sections of this code printed in boldface type are intended as catchwords to indicate the contents of the section, and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, nor shall they be so deemed when any of such sections, including the catch lines, are amended or reenacted, unless expressly so, provided. (Ord. 88-22 § 5(part), 1988)

1.04.050 ADMINISTRATIVE RULES & REGULATIONS- PUBLICATION OR POSTING.

All rules and regulations made by an Administrative officer subject to approval by the council under the provisions of this code shall be published, either by one publication in a newspaper of general circulation in the city, or by posting a copy thereof for ten days following their approval by the city council on the city bulletin board in City Hall. (Ord. 88-22 §5(part), 1988)

1.04.060 AMENDMENT-ADDITION-REPEAL.

All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections of any part

thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code by the city council.

A. Amendments to any other provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language: "that section of the Thorne bay city code is hereby amended to read as follows:" the new provisions shall then be set out in full as desired.
B. In the event a new section not heretofore existing in the code is to be added, the following language shall be used: "that the Thorne bay city code is hereby amended by adding a section, to be numbered, which said section reads as follows:" the new section shall then be set out in full as desired.
C. All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article, or chapter number, as the case may be. (ord. 88-22 § 5(part),1988)

1.04.070 UNLAWFULLY ALTERING CODE.

It is unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in Chapter 1.16. (Ord. 88-22 § 5(part), 1988)

1.04.080 TEMPORARY AND SPECIAL ORDINANCES TO REMAIN IN EFFECT.

The continuance in effect of temporary and/or special ordinances and non-code ordinances, although omitted from the Thorne Bay City Code, shall not be affected by such omission therefrom; and the adoption of the code shall not repeal or amend any such ordinance or part of any such ordinance. (Ord. 88-22 § 5(part), 1988)

1.04.090 REPEAL OF ORDINANCES.

The repeal of any prior ordinance of the city by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may have been repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force for the trial and punishment of all past offenses of them and for the recovery of penalties and for forfeitures already incurred, and for the preservation of all rights and remedies existing by them, and so far, as they may apply to any office, trust, proceeding, right, contract or event already affected by them. (Ord. 88-22 § 5(part), 1988)

1.04.100 SEVERABILITY OF PARTS OF CODE.

The sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ord. 88-22 § 5(part), 1988)

CHAPTER 1.08 - NAME OF MUNICIPALITY SECTIONS:

1.08.010 DESIGNATED.

The City of Thorne Bay shall continue as a municipal corporation under the name: "The City of Thorne Bay, Alaska." (Prior code Ch. 2 § 1(A))

CHAPTER 1.12 - FORM OF GOVERNMENT

1.12.010 DESIGNATED.

The government of the city shall be that commonly known and designated as the Mayor-Council form. (Prior code Ch. 2 § 1(B))

CHAPTER 1.14 - EXTRATERRITORIAL JURISDICTION SECTIONS:

1.14.010 EXTRATERRITORIAL JURISDICTION POWERS ADOPTED.

As authorized by AS 29.35.020, the city may provide for and maintain parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets and roads (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. (Ord. 92-01 § 4, 1992)

CHAPTER 1.16 - GENERAL PENALTY SECTIONS:

1.16.010 INTEGRATION INTO OTHER ENACTMENTS.

This penalty provision shall be considered as an integral and organic part of every ordinance, regulation and order that does not contain a specific penalty clause. (Ord. 88-23 § 5 (part), 1988)

1.16.020 PERSON DEFINED.

"Person" as used in penalty provisions throughout Thorne Bay's ordinances, includes the officers and any stockholders having more than a thirty percent interest of a corporate defendant. (Ord. 88-23 § 5 (part), 1988)

1.16.030 VIOLATIONS-SEPARATE OFFENSE.

Every act prohibited by Thorne Bay ordinances is unlawful. Failure to comply with any mandatory requirement of any ordinance is also unlawful. Unless another penalty is expressly provided by a Thorne Bay ordinance for any particular provision or section, each violation of this code is an infraction, punishable by a fine up to three hundred dollars ($300) per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense unless stated otherwise in any ordinance. (Ordinance 18-01-02-01; Prior Ord. 88-23 § 5(part), 1988)

1.16.031 SURCHARGE.

In addition to any penalty prescribed by law, a defendant convicted of violating a city ordinance shall pay the surcharge required under as 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the state of Alaska as required by as 29.25.074.

1.16.035 MINOR OFFENSE FINE SCHEDULE.

In accordance with as 29.25.070(a), citations for the following offenses may be disposed of as provided in as 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by as 12.55.039 and as 29.25.074.

FINES MUST BE PAID TO THE COURT.

If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska court system's rules of minor offense procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

THE FINE TABLE WAS LAST MODIFIED IN APRIL 2020

ORDINANCE #	ORDINANCE DESCRIPTION	OFFENSE APPEARANCE TYPE:	FINE SCHEDULE AMOUNT	MAXIMUM FINE FOR MANDATORY
TITLE 6-ANIMALS				
TBMC 6.04.020(G)	FAILURE TO LICENSE ANIMALS - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.020(M)	USE OF ANIMAL LICENSE FOR ANIMAL OTHER THAN WHICH ISSUED - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.020(N)	FAILURE TO NOTIFY CHANGE IN ANIMAL OWNERSHIP TO CLERKS OFFICE - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.050(A)	ANIMAL RUNNING AT LARGE - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.050(B)	GRAZING ON PUBLIC SPACE WITHOUT CONSENT OF CITY - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.050(C)	ALLOW LIVESTOCK ON PRIVATE PROPERTY WITHIN CITY - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.050(D)	RELEASE TIED/CONFINED ANIMAL WITHOUT OWNER'S PERMISSION - 1ST+ OFF	OPTION	$100.00	
TBMC 6.04.055(A)(1)	ANIMAL TO RUN AT LARGE WITHIN THE CITY - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.055(A)(2)	ALLOW DOG ON PUBLIC SCHOOL GROUNDS DURING SCHOOL HOURS - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.055(A)(3)	PERMIT A DOG IN PUBLIC PARKS WITHOUT A LEASH - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.055(A)(4)	ALLOW DOG INTO LOCATION WITH FOOD UNLESS CERTIFIED SERVICE DOG - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.055(A)(5)	KEEP ANIMAL AFTER CREATING 3 DISTURBANCE COMPLAINTS IN 1 MONTH - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.055(A)(6)	FAILURE TO CONFINE FEMALE DOG IN HEAT - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.070(A)	HUMANE CARE & TREATMENT - 1ST+ OFF	OPTION	$200.00	
TBMC 6.04.070(B)	ANIMAL ABUSE - 1ST+ OFF	OPTION	$200.00	
TBMC 6.04.070(C)	ANIMAL ABANDONMENT - 1ST+ OFF	OPTION	$200.00	
TBMC 6.04.070(D)	GIVING LIVE ANIMALS AS PRIZES - 1ST+ OFF	OPTION	$200.00	
TBMC 6.04.070(E)	FAILURE TO RENDER ASSISTANCE - 1ST+ OFF	OPTION	$200.00	
TBMC 6.04.070(F)	KNOWINGLY EXPOSE ANIMAL TO POISON - 1ST+ OFF	OPTION	$200.00	
TBMC 6.04.080	KEEPING OF WILD ANIMALS - 1ST+ OFF	OPTION	$50.00	
TBMC 6.04.090	ANIMAL WASTE - 1ST+ OFF	OPTION	$50.00	

TITLE 8-HEALTH AND PUBLIC SAFETY				
TBMC 8.04.050(A)	THROWING FIREWORK PROHIBITED - 1ST+ OFF	OPTION	$100.00	
TBMC 8.04.050(B)	THROWING FIREWORKS FROM A MOTOR VEHICLE - 1ST+ OFF	OPTION	$100.00	
TBMC 8.04.050(C)	STORE/KEEP/SELL/FIREWORKS W/IN 50 FT OF GAS/VOLATILE LIQUIDS PROHIBITED - 1ST+ OFF	OPTION	$100.00	
TBMC 8.04.050(D)	DISCHARGE FIREWORKS WITHIN 1000 FT OF HOSPITAL - 1ST+ OFF	OPTION	$100.00	
TBMC 8.04.050(E)	DISCHARGE FIREWORKS UNDER/ON A MOTOR VEHICLE - 1ST+ OFF	OPTION	$100.00	
TBMC 8.04.050(F)	DISCHARGE FIREWORKS WITHIN 50 FT OF WHERE FIREWORKS ARE SOLD - 1ST+ OFF	OPTION	$100.00	
TBMC 8.04.050(G)	MISHANDLE FIREWORKS - 1ST+ OFF	OPTION	$100.00	

TITLE 9-PUBLIC PEACE, MORALS AND WELFARE				
TBMC 9.02.020	CURFEW FOR MINORS, CONTROL OF MINORS, UNLAWFUL TO ALLOW MINOR TO VIOLATE CURFEW	OPTION	$50.00	
TBMC 9.02.025	CURFEW FOR MINORS, AIDING AND ABETTING VIOLATIONS	OPTION	$50.00	
TBMC 9.02.030	CURFEW FOR MINORS, CURFEW HOURS	OPTION	$50.00	
TBMC 9.05.010(A)	DISCHARGE OF FIREARMS PROHIBITED W/IN CITY LIMITS - 1ST+ OFF	OPTION	$150.00	
TBMC 9.05.010(B)	DISCHARGE OF FIREARMS PROHIBITED INTO/ACROSS BODY OF WATER THORNE BAY - 1ST+ OFF	OPTION	$150.00	
TBMC 9.05.010(C)	DISCHARGE OF FIREARMS PROHIBITED HALF HOUR BEFORE SUNRISE/AFTER SUNSET - 1ST+ OFF	OPTION	$150.00	
TBMC 9.05.010(D)	DISCHARGE OF FIREARMS PROHIBITED KASAAN RD BETWEEN "NO SHOOTING" SIGN - 1ST+ OFF	OPTION	$150.00	
TBMC 9.07.010	Misconduct Involving a Controlled Substance Sixth Degree - 1ST+ OFF	OPTION	$150.00	
TBMC 9.07.020	Misconduct Involving a Controlled Substance Seventh Degree - 1ST+ OFF	OPTION	$150.00	
TBMC 9.07.040 (A)(1)	Consuming Marijuana in Public Place - 1ST+ OFF	OPTION	$150.00	
TBMC 9.07.040 (A)(2)	Consuming Marijuana Outdoors Adjacent to a Public Place - 1ST+ OFF	OPTION	$150.00	
TBMC 9.08.020	ALCOHOL BEVERAGES-STATE LICENSE REQUIREMENT - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.030	ALCOHOL BEVERAGES-HOURS OF CONSUMPTION - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.040	ALCOHOL BEVERAGES-ACCESS OF PERSONS UNDER 21 TO LICENSED PREMISES - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.050	ALCOHOL BEVERAGES-POSSESSION OR CONSUMPTION UNDER THE AGE OF 21	MAND		300.00
TBMC 9.08.060	ALCOHOL BEVERAGES-FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 21	MAND		300.00
TBMC 9.08.080	ALCOHOL BEVERAGES-PURCHASE BY PERSONS UNDER THE AGE OF 21	MAND		300.00
TBMC 9.08.090	ALCOHOL BEVERAGES-UNLAWFUL DRINKING ON PREMISES - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.100	ALCOHOL BEVERAGES-SOLICITATION OF ALCOHOL BEVERAGE - 1ST+ OFF	OPTION	$200.00	

TBMC 9.08.110	ALCOHOL BEVERAGES-SALE/DISPOSITION OF ALCOHOLIC BEVERAGES TO DRUNKEN PERSON - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.120	ALCOHOL BEVERAGES-ACCESS OF DRUNKEN PERSON TO LICENSED PREMISES - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.130	ALCOHOL BEVERAGES-OBLIGATION TO ENFORCE RESTRICTION W/IN LICENSED PREMISES - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.140	ALCOHOL BEVERAGES-STOCK TO BE KEPT ON PREMISES - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.150	ALCOHOL BEVERAGES-RIGHT OF INSPECTION - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.160	ALCOHOL BEVERAGES-PLAYING MUSIC RESTRICTION - 1ST+ OFF	OPTION	$200.00	
TBMC 9.08.180	ALCOHOL BEVERAGES-POSSESSION OF DANGEROUS WEAPONS(KNIVES) PROHIBITED - 1ST+ OFF	OPTION	$200.00	
TBMC 9.12.030	PROHIBITION, UNLAWFUL ACTS, DISTURBANCE OF SURVEY MONUMENTS - 1ST+ OFF	OPTION	$100.00	
TBMC 9.20.020	LITTER CONTROL-LITTERING PROHIBITED - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.030	LITTER CONTROL-PREVENTION OF SCATTERING - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.040	LITTER CONTROL-TAMPERING WITH LITTER RECEPTACLES - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.050	LITTER CONTROL-WALKWAYS, STREETS, & ALLEYS - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.060	LITTER CONTROL-PRIVATE PREMISES - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.070	LITTER CONTROL-PUBLIC PLACES - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.080	LITTER CONTROL-BUSINESS PREMISES - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.090	LITTER CONTROL-LITTERING FROM VEHICLES - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.100	LITTER CONTROL-LITTER FROM AIRCRAFT - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.110	LITTER CONTROL-LITTER IN PARKS - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.120	LITTER CONTROL-CONSTRUCTION SITES - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.130	LITTER CONTROL-PARKING LOT LITTER RECEPTACLE REQUIRED - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.140	LITTER CONTROL-LITTER RECEPTACLES OBSTRUCTING TRAFFIC - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.150	LITTER CONTROL-COMMERCIAL HANDBILLS PROHIBITED - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.170	LITTER CONTROL-OBEDIENCE OF LAW REQUIRED - 1ST+ OFF	OPTION	$75.00	

TBMC 9.20.180	LITTER CONTROL-OBEDIENCE TO OFFICIALS REQUIRED - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.190	LITTER CONTROL-EMERGENCY POWERS - 1ST+ OFF	OPTION	$75.00	
TBMC 9.20.200	LITTER CONTROL-COMPLIANCE ORDER - 1ST+ OFF	OPTION	$75.00	
TBMC 9.22.020	WATER HYDRANTS-DESCRIPTION AND LOCATION - 1ST+ OFF	OPTION	$50.00	
TBMC 9.22.030	WATER HYDRANTS-INTENDED USE - 1ST+ OFF	OPTION	$50.00	
TBMC 9.22.040	WATER HYDRANTS-ACCESSIBILITY - 1ST+ OFF	OPTION	$50.00	
TBMC 9.22.050	WATER HYDRANTS-FENCE OPENINGS AND GATES - 1ST+ OFF	OPTION	$50.00	

TITLE 10-VEHICLES AND TRAFFIC				
TBMC 10.20.020(A)(1)	PARKING ON ROADWAY PROHIBITED FOR PURPOSE OF COMMERCIAL ADVERTISING	OPTION	$50.00	
TBMC 10.20.020(A)(2)	PARKING ON ROADWAY PROHIBITED FOR PURPOSE OF DISPLAYING "FOR SALE" SIGNS	OPTION	$50.00	
TBMC 10.20.020(A)(3)	PARKING ON ROADWAY PROHIBITED FOR NON-EMERGENCY VEHICLE GREASING/REPAIRING	OPTION	$50.00	
TBMC 10.20.020(A)(4)	PARKING ON ROADWAY PROHIBITED FOR COMMERCIAL CAR WASHING	OPTION	$50.00	
TBMC 10.20.020(C)	PARKING PROHIBITED - OBSTRUCTING MOVEMENT OF VEHICULAR TRAFFIC	OPTION	$50.00	
TBMC 10.20.020(D)(3)	PARKING PROHIBITED - CAMPING PROHIBITED	OPTION	$50.00	
TBMC 10.20.020(D)(4)	PARKING PROHIBITED - PARKING IN LOADING/UNLOADING ZONE PROHIBITED	OPTION	$50.00	
TBMC 10.20.020(E)	PARKING PROHIBITED - DISABLED OR ABANDONED VEHICLE LONGER THAN 48 HOURS	OPTION	$50.00	
TBMC 10.20.030(A)	PARKING IN EXCESS OF POSTED TIME LIMIT-HARBOR PARKING PERMIT REQUIRED >12 HRS	OPTION	$50.00	
TBMC 10.20.030(C)	PARKING IN EXCESS OF POSTED TIME LIMIT-PARK & SELL PERMIT REQUIRED	OPTION	$50.00	
TBMC 10.20.040	PARKING, STANDING, STOPPING - PARKING IN EXCESS OF POSTED TIME LIMIT	OPTION	$50.00	
TBMC 10.20.050(B)	EMERGENCY, STREET MAINTENANCE AND SNOW REMOVAL VEHICLES-OBSTRUCTION	OPTION	$100.00	

TITLE 12-STREETS, PARKS AND PUBLIC PLACES				
TBMC 12.04.010	CITY RV PARK-FAILURE TO FILE APPLICATION PAY SECURITY/OCCUPANCY FEES PRIOR TO OCCUPY	OPTION	$50.00	
TBMC 12.04.040	CITY RV PARK-EVICTION-FAILURE TO VACATE PREMISES BY DATE SPECIFIED IN EVICTION NOTICE	MAND		300.00
TBMC 12.04.050(A)	CITY RV PARK-RENTER OBLIGATIONS-FAILURE TO MAINTAIN CLEAN/ORDERLY PREMISES	OPTION	$50.00	
TBMC 12.04.050(B)	CITY RV PARK-FAILURE TO DISPOSE OF RUBBISH, GARBAGE OR OTHER WASTE AS DIRECTED	OPTION	$50.00	
TBMC 12.04.050(C)	CITY RV PARK-FAILURE TO AVOID DELIBERATE/NEGLIGENT DESTRUCTION/DAMAGE TO PROPERTY	OPTION	$100.00	
TBMC 12.04.050(D)	CITY RV PARK-FAILURE TO RESPECT PRIVACY, RIGHTS, AND PRIVILEGES OF NEIGHBORS	OPTION	$50.00	
TBMC 12.04.050(E)	CITY RV PARK-FAILURE TO COMPLY WITH DIRECTIONS/REQUESTS BY CITY	OPTION	$50.00	
TBMC 12.04.050(F)	CITY RV PARK-FAILURE TO COMPLY WITH QUIET HOURS OF 10PM-7AM	OPTION	$50.00	
TBMC 12.04.050(G)	CITY RV PARK-FAILURE TO COMPLY WITH VEHICLE SPEED OF 5MPH	OPTION	$50.00	
TBMC 12.04.070(A)	CITY RV PARK-PROHIBITED FROM PARKING ON ROADWAY	OPTION	$50.00	
TBMC 12.04.070(C)	CITY RV PARK- PERMANENT/TEMPORARY STORAGE BUILDINGS/CONTAINERS PROHIBITED	OPTION	$50.00	
TBMC 12.06.040(A)	CITY PARKS/REC AREAS-UNLAWFUL TAMPERING/DEFACING/REMOVING/DESTRUCTING STRUCTURES	OPTION	$100.00	
TBMC 12.06.040(B)	CITY PARKS/REC AREA-DRIVING/PARKING WITHIN RESTRICTED RECREATIONAL AREAS	OPTION	$100.00	
TBMC 12.06.040(C)	CITY PARKS/REC AREAS-POSSESSION OF FIREARMS OR WEAPONS PROHIBITED	OPTION	$100.00	
TBMC 12.06.040(D)	CITY PARKS/REC AREA-POSSESSION/CONSUMPTION OF ALCOHOL/CONTROLLED DANGEROUS SUBS	OPTION	$300.00	
TBMC 12.06.040(E)	CITY PARKS/REC AREA-CAMPING PROHIBITED ANYWHERE EXCEPT DESIGNATED AREAS	OPTION	$100.00	
TBMC 12.06.040(F)	CITY PARKS/REC AREA-PROHIBITED FOR PERSONS TO ENTER AREA POSTED AS CLOSED	OPTION	$100.00	
TBMC 12.06.040(G)	CITY PARKS/REC AREA-THREATENING/ABUSIVE, DISORDERLY CONDUCT/BEHAVIOR PROHIBITED	OPTION	$200.00	
TBMC 12.06.040(H)	CITY PARKS/REC AREA-FAILURE TO PRODUCE PERMIT HE CLAIMS TO HAVE UPON REQUEST	OPTION	$75.00	
TBMC 12.06.040(I)	CITY PARKS/REC AREA-DISTURBING AUTHORIZED ACTIVITY/OCCUPANCY PROHIBITED	OPTION	$200.00	
TBMC 12.06.070	CITY PARKS/REC AREA-IGNITABLE AND COMBUSTIBLE MATERIALS PROHIBITED	OPTION	$100.00	

TBMC 12.06.100	CITY PARKS/REC AREA-USE PARK/FACILITY WITHOUT PAYING FEE IS PROHIBITED	OPTION	$100.00	
TBMC 12.06.110	CITY PARKS/REC AREA-USE OF PARK/REC AREA WHEN CLOSED IS PROHIBITED	OPTION	$50.00	
TBMC 12.08.030	THORNE BAY BOAT RAMP-PARKING AND STORAGE PROHIBITED	OPTION	$50.00	
TBMC 12.08.060	THORNE BAY BOAT RAMP-CAMPING PROHIBITED	OPTION	$50.00	

TITLE 13-PUBLIC UTILITIES				
TBMC 13.02.010	UTILITY- APPLICATION FORM FAILURE TO COMPLETE APPLICATION FOR SERVICES .	OPTION	$ 150.00	
TBMC 13.02.020	APPLICATION AMENDMENTS. FAILURE TO NOTIFY CIT OF CHANGES TO SERVICE (APPLICATION AMENDMENTS)	OPTION	$ 100.00	
TBMC 13.08.130	CUSTOMER'S PLUMBING.	OPTION	$ 100.00	
TBMC 13.08.140	REQUIRED CONNECTIONS.	OPTION	$ 100.00	

CHAPTER 13.20 - SEWER - PROHIBITED ACTS				
TBMC 13.20.010	SEWER DESIGNATED - UNLAWFUL DEPOSITS INTO SANITATION AL SEWAGE COLLECTION SYSTEM	OPTION	$ 150.00	
TBMC 13.20.020	SEWER PROHIBITED CONNECTIONS - UNLAWFUL CONNECTION CAUSING WASTE WATER ENTERING SANITARY WATER SYSTEM	OPTION	$ 150.00	
TBMC 13.20.030	SEWER CONNECTIONS MADE WITHOUT PERMIT - UNLAWFUL CONNECTION TO CITY SERVICE LINES WITHOUT PRIOR PAYMENT AND PERMIT	OPTION	$ 150.00	
TBMC 13.20.040	SEWER - INTERFERENCE AND TAMPERING - UNLAWFUL TAMPERING OF CITY SEWER INFRASTRUCTURE, MATERIALS, EQUIPMENT AND POND.	OPTION	$ 150.00	
TBMC 13.24.010	ACCESS TO PROPERTY. FAILURE TO PERMIT UTILITY ACCESS TO UTILITY LINE DURING REASONABLE HOURS	OPTION	$ 150.00	
TBMC 13.28.095	WATER - UNIMPROVED OR DISCONTINUED - FAILURE TO DISCLOSE AMOUNTS OWED ON PROPERTY SERVICE FEES TO NEW OWNERS	MAND		1,000.00
TBMC 13.28.120	RESALE OF WATER. WITHOUT PERMIT IS PROHIBITED	MAND		1,000.00
TBMC 13.40.090	STANDBY FIRE PROTECTION SERVICE CONNECTIONS VIOLATIONS OF REGULATIONS.	OPTION	$ 200.00	
TBMC 13.40.160	CUSTOMER'S PLUMBING – FAILURE TO COMPLY WITH CITY PLUMBING CODE.	OPTION	$ 200.00	
TBMC 13.40.170	CUSTOMERS PLUMBING - CONTROL VALVES - UNLAWFUL OPERATION OR TAMPERING OF THE METER STOP OR ANY APPURTENANCES ON SERVICE CONNECTION	OPTION	$ 200.00	
TBMC 13.44.020	INSTALLATION. UNLAWFUL INSTALLATION OF WATER METERS	OPTION	$ 300.00	
TBMC 13.44.050	JOINT USE. JOINING OF SEVERAL CUSTOMERS TO TAKE ADVANTAGE OF THE SINGLE MINIMUM CHARGES AND LARGE QUANTITY RATES IS PROHIBITED	OPTION	$ 500.00	
TBMC 13.44.070	LOCATION DETERMINATION. - FAILURE TO PERMIT ACCESS BY UTILITY FOR INSTALLATION OR READING OF METERS	OPTION	$ 500.00	
TBMC 13.52.080	UNAUTHORIZED TURN-ON.	OPTION	$ 200.00	
TBMC 13.56.030	DAMAGE TO DEPARTMENT EQUIPMENT.	MAND		1,000.00
TBMC 13.60.010	OPERATION. UNLAWFUL TO TAMPER WITH OR OPEN VALVE OF ANY FIRE HYDRANT	OPTION	$ 500.00	
TBMC 13.64.020	WATER. MISC. PROVISIONS. UNUSUAL DEMANDS. FAILURE TO NOTIFY DEPARTMENT OF LARGE QUANTITY USAGES IN WATER	OPTION	$ 100.00	
TBMC 13.64.030	ACCESS TO PROPERTY. FAILURE TO PERMIT OPERATOR ACCESS	OPTION	$ 150.00	

CHAPTER 13.70 - SOLID WASTE				
TBMC 13.70.030 (B)	SOLID WASTE SERVICE REQUIRED. UNLAWFUL DEPOSIT OF GARBAGE IN LOCATION NOT DESIGNATED AS SOLID WASTE SITE.	MAND		1,000.00
TBMC 13.70.172	ALUMINUM SEGREGATION. UNLAWFUL TO DEPOSIT ANYTHING OTHER THAN ALUMINUM WHERE DESIGNATED AS "ALUMINUM ONLY"	OPTION	$ 150.00	
TBMC 13.70.174	ASH DISPOSAL - UNLAWFUL DISPOSAL OF ASH	OPTION	$ 100.00	
TBMC 13.70.176	UNLAWFUL DISPOSAL OF SPECIAL WASTE	MAND		500.00
TBMC 13.70.180	UNLAWFUL ACCESS TO LANDFILL	MAND		1,000.00
TBMC 13.70.182	PROHIBITED SUBSTANCES. IT IS UNLAWFUL TO DUMP ANY HAZARDOUS OR POISONOUS WASTE INTO RECEPTACLE, CONTAINER, DUMPSTER OR LANDFILL	MAND		1,000.00
TBMC 13.70.186	UNAUTHORIZED USE OF COLLECTION CONTAINERS, TRASH RECEPTACLES, AND DUMPSTERS	OPTION	$ 150.00	
TBMC 13.70.320	FRAUD OR ABUSE OF SERVICES SUPPLIED TO RESIDENCE	MAND		500.00
TBMC 13.70.370	PROTECTION FROM DAMAGE. UNLAWFUL TO DAMAGE OR TAMPER WITH ANY EQUIPMENT, STRUCTURE OR APPURTENANCE BELONGING TO THE SOLID WASTE	MAND		1,000.00

CHAPTER 15.04 BUILDINGS AND CONSTRUCTION				
TBMC 15.04.010	SETBACKS. LOTS INTERIOR SETBACKS. FAILURE TO ADHERE TO THE LOTS-INTERIOR SETBACKS	OPTIONAL	$ 100.00	
TBMC 15.04.020 (B)	SETBACKS. DEVELOPMENT PLANS. FAILURE TO SUBMIT DEVELOPMENT PLANS.	OPTIONAL	$ 150.00	
TBMC 15.04.020 (f)	BUILDINGS-DEVELOPMENT PLANS-STOP WORK ORDER - FAILURE TO CEASE DEVELOPMENT AFTER RECEIPT OF STOP WORK ORDER	OPTIONAL	$ 200.00	

CHAPTER 16.40 VIOLATIONS-PENALTIES				
TBMC 16.40.010	SUBDIVISIONS-ILLEGAL SALES	OPTION	$500.00	
TBMC 16.40.010 (b)	SUBDIVISIONS-ILLEGAL FILING	OPTION	$500.00	
TBMC 16.40.030	SUBDIVISIONS-UNLAWFULLY SUBDIVIDED-VIOLATION OF TERMS	OPTION	$500.00	

CHAPTER 17.04 PLANNING AND ZONING				
TBMC 17.04.022	RESIDENTIAL ZONE. FAILURE TO SUBMIT DEVELOPMENT PLANS	OPTION	$150.00	
TBMC 17.04.022 (B)	RESIDENTIAL ZONE. FAILURE TO OBTAIN SPECIAL LAND USE PERMIT	OPTION	$200.00	
TBMC 17.04.022 (C)	RESIDENTIAL ZONE. PROHIBITED USES	OPTION	$200.00	
TBMC 17.04.022 (D)	RESIDENTIAL ZONE. DEVELOPMENT STANDARDS FAILURE TO ADHERE TO ZONING	OPTION	$200.00	
TBMC 17.04.022 (E)	RESIDENTIAL ZONE. DEVELOPMENT STANDARDS FAILURE TO ADHERE TO ZONING (TRACT B)	OPTION	$200.00	
TBMC 17.04.023	DEER CREEK RESIDENTIAL. FAILURE TO SUBMIT DEVELOPMENT PLANS	OPTION	$200.00	
TBMC 17.04.023 (B)	DEER CREEK RESIDENTIAL. FAILURE TO OBTAIN SPECIAL LAND USE PERMIT	OPTION	$200.00	
TBMC 17.04.023 (C-2)	DEER CREEK RESIDENTIAL. PROHIBITED USES-PRIVATE GARBAGE PITS	OPTION	$200.00	
TBMC 17.04.023 (C-3)	DEER CREEK RESIDENTIAL. PROHIBITED USES-STORAGE OF HEAVY EQUIPMENT	OPTION	$200.00	
TBMC 17.04.023 (C-4)	DEER CREEK RESIDENTIAL. PROHIBITED USES-STORAGE OF DERELICT VEHICLES OR UNSIGHTLY ACCUMULATION OF PERSONAL PROPERTY	OPTION	$200.00	
TBMC 17.04.023 (C-5)	DEER CREEK RESIDENTIAL. PROHIBITED USES-RAISING OF ANIMALS, LIVESTOCK AND POULTRY	OPTION	$200.00	
TBMC 17.04.023 (D)	DEER CREEK RESIDENTIAL. FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS	Optional	$200.00	
TBMC 17.04.023 (D-1)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO MINIMUM LOT SIZE	Optional	$200.00	
TBMC 17.04.023 (D-2)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO PARKING REQUIREMENTS OFF STREET ON PREMISES.	Optional	$200.00	
TBMC 17.04.023 (D-3)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO PARKING SETBACK REQUIREMENTS.	Optional	$200.00	
TBMC 17.04.023 (D-4)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. BUILDING HEIGHT EXCEEDED	Optional	$200.00	
TBMC 17.04.023 (D-5)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. DENSITY EXCEEDED	Optional	$200.00	
TBMC 17.04.023 (D-6)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. FAILURE TO CONNECT TO CITY UTILITIES PRIOR TO OCCUPANCY.	Optional	$200.00	
TBMC 17.04.023 (D-8)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. EXCEEDING BUILDING DENSITY	Optional	$200.00	
TBMC 17.04.023 (D-9)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. SIGNS PROHIBITED	Optional	$200.00	

TBMC 17.04.023 (D-10)	DEER CREEK RESIDENTIAL. PROPERTY DEVELOPMENT STANDARDS. FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.024	RESIDENTIAL/COMMERCIAL-FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.024 (B)	RESIDENTIAL/COMMERCIAL-FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-RESIDENTIAL USE	Optional	$200.00	
TBMC 17.04.024 (c)	RESIDENTIAL/COMMERCIAL - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.024 (C-3)	RESIDENTIAL/COMMERCIAL - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO PARKING REQUIREMENTS OFF STREET ON PREMISES.	Optional	$200.00	
TBMC 17.04.024 (C-4)	RESIDENTIAL/COMMERCIAL - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.024 (C-5)	RESIDENTIAL/COMMERCIAL - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.024 (c)(6)(d)	RESIDENTIAL/COMMERCIAL - BUILDING DENSITY EXCEEDED.	Optional	$200.00	
TBMC 17.04.024 (C-7)	RESIDENTIAL/COMMERCIAL - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC.	Optional	$200.00	
TBMC 17.04.024 (C-8)	RESIDENTIAL/COMMERCIAL - SIGNS PROHIBITED	Optional	$200.00	
TBMC 17.04.025	MIXED RESIDENTIAL/COMMERCIAL II. FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.025 (B)	MIXED RESIDENTIAL/COMMERCIAL II - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-RESIDENTIAL USE	Optional	$200.00	
TBMC 17.04.025 (c)	RESIDENTIAL/COMMERCIAL II - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.025 (c-3)	MIXED RESIDENTIAL/COMMERCIAL II - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO PARKING REQUIREMENTS OFF STREET ON PREMISES.	Optional	$200.00	
TBMC 17.04.025 (c-4)	RESIDENTIAL/COMMERCIAL II - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.025 (c-5)	RESIDENTIAL/COMMERCIAL II - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.025	RESIDENTIAL/COMMERCIAL II - MORE THAN ONE	Optional	$200.00	

(c)(6)(c)	PRINCIPAL STRUCTURE ON PROPERTY			
TBMC 17.04.025 (c)(6)(d)	RESIDENTIAL/COMMERCIAL II - BUILDING DENSITY EXCEEDED.	Optional	$200.00	
TBMC 17.04.025 (c)(7)	RESIDENTIAL/COMMERCIAL II - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC.	Optional	$200.00	
TBMC 17.04.025 (c)(8)	RESIDENTIAL/COMMERCIAL II - SIGNS PROHIBITED	Optional	$200.00	
TBMC 17.04.026	MIXED RESIDENTIAL/COMMERCIAL III - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.026 (b)	MIXED RESIDENTIAL/COMMERCIAL III - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-RESIDENTIAL USE	Optional	$200.00	
TBMC 17.04.026 (c)	MIXED RESIDENTIAL/COMMERCIAL III - FAILURE TO FILE A NOTICE OF INTENT	Optional	$200.00	
TBMC 17.04.026 (f)	MIXED RESIDENTIAL/COMMERCIAL III - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.026 (f)(3)	MIXED RESIDENTIAL/COMMERCIAL III - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.026 (f)(4)	MIXED RESIDENTIAL/COMMERCIAL III - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.026 (f)(5)	MIXED RESIDENTIAL/COMMERCIAL III - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO PARKING REQUIREMENTS OFF STREET ON PREMISES.	Optional	$200.00	
TBMC 17.04.026 (f)(6)	MIXED RESIDENTIAL/COMMERCIAL III - BUILDING DENSITY EXCEEDED.	Optional	$200.00	
TBMC 17.04.026 (f)(9)	MIXED RESIDENTIAL/COMMERCIAL III - SIGNS PROHIBITED	Optional	$200.00	
TBMC 17.04.027	COMMERCIAL ZONE - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.027 (b)	COMMERCIAL ZONE - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-PERMITTED COMMERCIAL USES	Optional	$200.00	
TBMC 17.04.027 (c)	COMMERCIAL ZONE - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.027 (c)(3)	COMMERCIAL ZONE - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.027 (c)(5)	COMMERCIAL ZONE - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO PARKING	Optional	$200.00	

	REQUIREMENTS OFF STREET ON PREMISES.			
TBMC 17.04.027 (c)(4)	COMMERCIAL ZONE - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.027 (c)(6)	COMMERCIAL ZONE - SIGNS PROHIBITED	Optional	$200.00	
TBMC 17.04.028	INDUSTRIAL ZONE - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.028 (b)	INDUSTRIAL ZONE - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-PERMITTED COMMERCIAL USES	Optional	$200.00	
TBMC 17.04.028 (c)	INDUSTRIAL ZONE - PROHIBITED USES	Optional	$200.00	
TBMC 17.04.028 (d)(1)(2)	INDUSTRIAL ZONE - PROPERTY DEVELOPMENT STANDARDS - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.028 (e)	INDUSTRIAL ZONE - FAILURE TO ADHERE TO PARKING REQUIREMENTS	Optional	$200.00	
TBMC 17.04.028 (f)	INDUSTRIAL ZONE - FAILURE TO OBTAIN DEC APPROVAL FOR PRIVATE SEWER TREATMENT PLANS AND SUBDIVISIONS.	Optional	$200.00	
TBMC 17.04.028 (g)	INDUSTRIAL ZONE - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.029	WATERFRONT ZONE - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.029 (d)	WATERFRONT ZONE - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR USES NOT OUTRIGHT PERMITTED	Optional	$200.00	
TBMC 17.04.029 (e)	WATERFRONT ZONE - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.029 (e)(3)	WATERFRONT ZONE - PROPERTY DEVELOPMENT STANDARDS. FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.029 (e)(4)	WATERFRONT ZONE - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.029 (e)(5)	WATERFRONT ZONE - FAILURE TO ADHERE TO PARKING REQUIREMENTS OFF STREET ON PREMISES.	Optional	$200.00	
TBMC 17.04.029 (e)(6)	WATERFRONT ZONE - SIGNS CAUSING GLARE PROHIBITED.	Optional	$200.00	
TBMC 17.04.029 (e)(7)	WATERFRONT ZONE - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.030	PUBLIC ZONE - DEVELOPMENT PERMIT REQUIRED	Optional	$200.00	

TBMC 17.04.030 (c)	PUBLIC ZONE - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.030 (c)(3)	PUBLIC ZONE - FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.030 (c)(4)	PUBLIC ZONE - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.030 (c)(5)	PUBLIC ZONE - FAILURE TO ADHERE TO PARKING REQUIREMENTS OFF STREET ON PREMISES.	Optional	$200.00	
TBMC 17.04.030 (c)(6)	PUBLIC ZONE - SIGNS CAUSING GLARE PROHIBITED.	Optional	$200.00	
TBMC 17.04.030 (c)(7)	PUBLIC ZONE - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.031	LOW DENSITY RESIDENTIAL - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.031 (b)	LOW DENSITY RESIDENTIAL - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-PERMITTED COMMERCIAL USES	Optional	$200.00	
TBMC 17.04.031 (c)	LOW DENSITY RESIDENTIAL - PROHIBITED USES	Optional	$200.00	
TBMC 17.04.031 (d)(1)(2)(3)	LOW DENSITY RESIDENTIAL - PROPERTY DEVELOPMENT STANDARDS - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.031 (d)(4)	LOW DENSITY RESIDENTIAL - FAILURE TO ADHERE TO PARKING REQUIREMENTS	Optional	$200.00	
TBMC 17.04.031 (d)(5)	LOW DENSITY RESIDENTIAL - FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.031 (d)(6)	LOW DENSITY RESIDENTIAL - DEVELOPMENT IMPEDING VISIBILITY	Optional	$200.00	
TBMC 17.04.031 (d)(7)	LOW DENSITY RESIDENTIAL - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.031 (d)(8)	LOW DENSITY RESIDENTIAL - MAXIMUM LOT COVERAGE EXCEEDED	Optional	$200.00	
TBMC 17.04.031 (d)(9)	LOW DENSITY RESIDENTIAL - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.032	MEDIUM DENSITY RESIDENTIAL - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.032 (b)	MEDIUM DENSITY RESIDENTIAL - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-PERMITTED COMMERCIAL USES	Optional	$200.00	
TBMC 17.04.032 (c)	MEDIUM DENSITY RESIDENTIAL - PROHIBITED USES	Optional	$200.00	
TBMC 17.04.032 (d)(1)(2)(3)	MEDIUM DENSITY RESIDENTIAL - PROPERTY DEVELOPMENT STANDARDS - FAILURE TO ADHERE	Optional	$200.00	

	TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY			
TBMC 17.04.032 (d)(4)	MEDIUM DENSITY RESIDENTIAL - FAILURE TO ADHERE TO PARKING REQUIREMENTS	Optional	$200.00	
TBMC 17.04.032 (d)(5)	MEDIUM DENSITY RESIDENTIAL - FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.032 (d)(5)(d)	MEDIUM DENSITY RESIDENTIAL - DEVELOPMENT IMPEDING VISIBILITY	Optional	$200.00	
TBMC 17.04.032 (d)(6)	MEDIUM DENSITY RESIDENTIAL - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.032 (d)(7)	MEDIUM DENSITY RESIDENTIAL - MAXIMUM LOT COVERAGE EXCEEDED	Optional	$200.00	
TBMC 17.04.032 (d)(8)	MEDIUM DENSITY RESIDENTIAL - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.033	HIGH DENSITY RESIDENTIAL - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.033 (b)	HIGH DENSITY RESIDENTIAL - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-PERMITTED COMMERCIAL USES	Optional	$200.00	
TBMC 17.04.033 (c)	HIGH DENSITY RESIDENTIAL - PROHIBITED USES	Optional	$200.00	
TBMC 17.04.033 (d)(1)(2)(3)	HIGH DENSITY RESIDENTIAL - PROPERTY DEVELOPMENT STANDARDS - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.033 (d)(4)	HIGH DENSITY RESIDENTIAL - MAXIMUM LOT COVERAGE EXCEEDED	Optional	$200.00	
TBMC 17.04.033 (d)(5)	HIGH DENSITY RESIDENTIAL - FAILURE TO ADHERE TO PARKING REQUIREMENTS	Optional	$200.00	
TBMC 17.04.0332 (d)(6)	HIGH DENSITY RESIDENTIAL - FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.033 (d)(6)(c)	HIGH DENSITY RESIDENTIAL - DEVELOPMENT IMPEDING VISIBILITY	Optional	$200.00	
TBMC 17.04.033 (d)(7)	HIGH DENSITY RESIDENTIAL - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.033 (d)(8)	HIGH DENSITY RESIDENTIAL - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.034	GREENTREE HEIGHTS RESIDENTIAL - FAILURE TO OBTAIN DEVELOPMENT PERMIT PRIOR TO CONSTRUCTION	Optional	$200.00	
TBMC 17.04.034 (b)	GREENTREE HEIGHTS RESIDENTIAL - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FOR NON-PERMITTED USES	Optional	$200.00	
TBMC 17.04.034 (c)	GREENTREE HEIGHTS RESIDENTIAL - PROHIBITED	Optional	$200.00	

	USES			
TBMC 17.04.034 (d)(1)	GREENTREE HEIGHTS RESIDENTIAL - PROPERTY DEVELOPMENT STANDARDS - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE	Optional	$200.00	
TBMC 17.04.034 (d)(2)	GREENTREE HEIGHTS RESIDENTIAL - FAILURE TO ADHERE TO PARKING REQUIREMENTS	Optional	$200.00	
TBMC 17.04.034 (d)(3)	GREENTREE HEIGHTS RESIDENTIAL - FAILURE TO ADHERE TO SETBACK REQUIREMENTS	Optional	$200.00	
TBMC 17.04.034 (d)(4)	GREENTREE HEIGHTS RESIDENTIAL - BUILDING HEIGHT EXCEEDED.	Optional	$200.00	
TBMC 17.04.034 (d)(6)	GREENTREE HEIGHTS RESIDENTIAL - FAILURE TO HOOK INTO MUNICIPAL UTILITIES.	Optional	$200.00	
TBMC 17.04.034 (d)(8)	GREENTREE HEIGHTS RESIDENTIAL - DEVELOPMENT-FAILURE TO ADHERE TO BUILDING REQUIREMENTS	Optional	$200.00	
TBMC 17.04.034 (d)(9)	GREENTREE HEIGHTS RESIDENTIAL - SIGNS PROHIBITED	Optional	$200.00	
TBMC 17.04.034 (d)(10)	GREENTREE HEIGHTS RESIDENTIAL - FENCES EXCEEDING HEIGHT OR OBSTRUCTING VEHICULAR TRAFFIC	Optional	$200.00	
TBMC 17.04.034 (d)(11)	GREENTREE HEIGHTS RESIDENTIAL - FAILURE TO HAVE SEPTIC SYSTEM INSPECTED PRIOR TO CONSTRUCTING BUILDINGS	Optional	$200.00	
TBMC 17.04.036 (b)	MOBILE HOME PARK - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FROM CITY PLANNING COMMISSION	Optional	$200.00	
TBMC 17.04.036 (c)	MOBILE HOME PARK - FAILURE TO ADHERE TO MOBILE HOME PARK DESIGN REQUIREMENTS	Optional	$200.00	
TBMC 17.04.036 (c)(1)(2)(3)	MOBILE HOME PARK - FAILURE TO ADHERE TO PROPERTY DEVELOPMENT STANDARDS, MINIMUM LOT SIZE, WIDTH AND/OR DENSITY	Optional	$200.00	
TBMC 17.04.036 (c)(7)	MOBILE HOME PARKS - FAILURE TO ADHERE TO SETBACKS	Optional	$200.00	
TBMC 17.04.036 (c)(10)	MOBILE HOME PARKS - NON-COMPLIANT WATER SUPPLY AND/OR SEWAGE DISPOSAL SYSTEMS	Optional	$200.00	
TBMC 17.04.036 (c)(12)	MOBILE HOME PARKS - FAILURE TO PROVIDE A SCREEN OF VIEW OBSCURING FENCING AROUND THE MOBILE HOME PARKS	Optional	$200.00	
TBMC 17.04.037 (b)	RECREATIONAL VEHICLE AND TRAVEL TRAILER PARKS - FAILURE TO OBTAIN CONDITIONAL USE PERMIT FROM PLANNING COMMISSION.	Optional	$200.00	

TBMC 17.04.037 (c)	RECREATIONAL VEHICLE AND TRAVEL TRAILER PARKS - FAILURE TO ADHERE TO DEVELOPMENT STANDARDS.	Optional	$200.00	
TBMC 17.04.037	RECREATIONAL VEHICLE AND TRAVEL TRAILER PARKS - FAILURE TO LICENSE RECREATIONAL VEHICLE WITHIN TRAILER PARK.	Optional	$200.00	
TBMC 17.04.041 (d)	OFF-STREET PARKING REQUIREMENTS - VIOLATION OF REQUIRED PARKING SPACES	Optional	$200.00	
7.05 – ENFORCEMENT AUTHORITY				
TBMC 17.05.030	OBEDIENCE TO OFFICIALS REQUIRED - THE FAILURE OR REFUSAL TO COMPLY WITH ANY LAWFUL ORDER OR DIRECTION OF THE CODE ENFORCEMENT OFFICER GIVEN.	Optional	$200.00	
TBMC 17.05.070 (b)	ENFORCEMENT - REMEDIATION MEASURES – AUTHORITY TO ENFORCE - UNLAWFUL THREAT OR PHYSICAL FORCE TO CAUSE HARM, OR OBSTRUCTION, IMPEDIMENT OR INTERFERENCE WITH INVESTIGATION	Optional	$200.00	

ITLE 18-CITY BOAT HARBOR				
TBMC 18.20.050(B)	HARBOR-USE OF HARBOR FACILITIES WITHOUT PAYMENT OF RENTALS/FEES PROHIBITED	Optional	$50.00	
TBMC 18.30.020(A)	HARBOR-CONDUCT IN HARBOR-A-FAILURE TO DISPLAY REGISTRATION PROHIBITED	Optional	$50.00	
TBMC 18.30.020(B)	HARBOR-CONDUCT IN HARBOR-B-FAILURE TO SECURELY MOOR VESSEL PROHIBITED	OPTION	$50.00	
TBMC 18.30.020(E)	HARBOR-CONDUCT IN HARBOR-E-ILLEGALLY PARKED VEHICLES PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(A)	RULES FOR HARBOR USE-CARELESS/RECKLESS OPERATION OF VESSELS PROHIBITED	OPTION	$100.00	
TBMC 18.30.140(B)	RULES FOR HARBOR USE-PROHIBITED ACTS-MOORING OVERSIZED VESSELS	OPTION	$100.00	
TBMC 18.30.140(C)	RULES FOR HARBOR USE-PROHIBITED ACTS-USING BUMPERS THAT CAUSE DAMAGE TO DOCKS	OPTION	$200.00	
TBMC 18.30.140(D)	DUMPING UNAUTHORIZED WASTE INTO/ONTO WATERS/LAND/HARBOR FACILITIES PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(E)	DISCHARGE OF SEWAGE FROM VESSELS WITHIN THE HARBOR JURISDICTION IS PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(F)	RULES FOR HARBOR USE-UNATTENDED FISHNETS OR OTHER FISH-TAKING DEVISE PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(G)	RULES FOR HARBOR USE-UNAUTHORIZED WATER SKIING/SCUBA DIVING PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(H)	STORING OF PERSONAL ITEMS INCLUDING COMBUSTIBLE/EXPLOSIVE MATERIALS PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(I)	OBSTRUCTING TRAFFIC ALONG FLOATS PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(J)	SE OF HARBOR FIREFIGHTING EQUIPMENT FOR OTHER PURPOSE PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(K)	DISREGARD, DAMAGE, TAMPER WITH HARBOR SIGNS OR NOTICES PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(L)	SUB-ASSIGNING OR SUBLEASING ASSIGNED MOORING SPACE	OPTION	$100.00	
TBMC 18.30.140(M)	DISTURB THE REASONABLE PEACE AND PRIVACY OF OTHERS PROHIBITED IN HARBOR	OPTION	$50.00	
TBMC 18.30.140(N)	OBSTRUCTING OR INTERFERING WITH HARBORMASTER DUTIES	OPTION	$100.00	
TBMC 18.30.140(R)	PERMIT DOG ON HARBOR FACILITIES WITHOUT LEASH	OPTION	$50.00	
TBMC 18.30.140(S)	OPERATING BICYCLES, SKATEBOARD, ROLLER SKATES OR SIMILAR IN HARBOR PROHIBITED	OPTION	$50.00	

(0rdinance 21-04-06-03; 20-04-07-01; Prior Ordinances: 19-09-03-01)

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1.16.040 PARENTS OR GUARDIANS RESPONSIBLE FOR DAMAGES CAUSED BY MINORS.

A parent, legal guardian or other person having custody or control of a minor that causes damage or injury to city property, shall be responsible for costs incurred by city to repair or replace the damaged property, including but not limited to costs of materials, supplies, equipment, labor, clerical and all other associated costs. (Ord. 99-05 § 4, 1999)

1.16.050 DAMAGE TO CITY PROPERTY.

Damage to City property or equipment which is either, willfully malicious or grossly negligent shall be recovered at the cost of repair or replacement from the person, or corporate entity causing said damage. A fine of up to ten times the cost of repair or replacement of City property may be imposed on said person or corporate entity that caused willfully malicious or grossly negligent damage. The City will replace or repair City property that is damaged, despite any proceedings that may be in process to recover losses from damage in a timely manner, unless those costs cause major financial hardship to the City. A major financial hardship to the City would be determined by the City Council. (Ordinance 05-12-20-01)

JUNE
2025

TITLE 2
ADMINISTRATION & PERSONNEL

THORNE BAY MUNICIPAL CODE

THORNE BAY CITY COUNCIL

Codified December 2025

TITLE 2 - ADMINISTRATION AND PERSONNEL

CHAPTER 2.04 - CITY COUNCIL 49

2.04.010 COMPOSITION. 49
2.04.020 QUALIFICATIONS OF COUNCILMEMBER'S. 49
2.04.030 ELECTION OF COUNCILMEMBER'S-TERMS. 49
2.04.040 OATH OF OFFICE. 49
2.04.050 COMPENSATION OF COUNCILMEMBER'S. 50
2.04.055 SUSPENSION OF THE RULES 50
2.04.060 SALARIES OF ELECTED OFFICIALS. 50
2.04.065 INDEMNIFICATION. 50
2.04.070 EMPLOYMENT FOR CITY WORK. 50
2.04.075 CONTRACTUAL SERVICES BY COUNCILMEMBER'S. 51
2.04.080 CONFLICTS OF INTEREST. 51
2.04.090 PROHIBITIONS. 52
2.04.100 VACANCIES. 52
2.04.110 FILLING A VACANCY. 52
2.04.115 RULES OF ORDER 52
2.04.120 MEETINGS-OPEN TO PUBLIC. 52
2.04.130 MEETINGS--REGULAR. 54
2.04.140 MEETINGS-SPECIAL. 55
2.04.150 MEETINGS-NOTICE. 55
2.04.151 AGENDAS-POSTING. 55
2.04.160 EXECUTIVE SESSIONS. 56
2.04.170 MEETINGS-MAYOR THE PRESIDING OFFICER. 56
2.04.180 MEETINGS-ORDER OF BUSINESS. 57
2.04.190 MEETINGS-MINUTES. 59
2.04.200 MEETINGS-COUNCIL RULES. 59
2.04.210 MEETINGS-MOTIONS-SECOND REQUIRED. 59
2.04.220 MEETINGS-MOTIONS-WITHDRAWAL. 59
2.04.230 MEETINGS-REDUCTION TO WRITING. 59
2.04.240 MEETINGS-RESCINDING VOTE. 59
2.04.250 VOTING-QUORUM. 59
2.04.260 DUTIES OF THE CLERK AT COUNCIL MEETINGS. 60

CHAPTER 2.08 - MAYOR SECTIONS: 71

2.08.010 POWERS--DUTIES. 71

2.08.020 VICE MAYOR. 72
2.08.030 VACANCY IN OFFICE OF MAYOR, VICE MAYOR. 72
2.08.035 MAYORAL ELECTION TIME. 73
2.08.040 COMPENSATION. 73
CHAPTER 2.12 - ORDINANCES, RESOLUTIONS AND TECHNICAL CODES 74
2.12.010 ACTS OF COUNCIL. 74
2.12.020 ACTS REQUIRED TO BE BY ORDINANCE. 74
2.12.030 ORDINANCE PROCEDURE. 74
2.12.040 ORDINANCE FORM AND CONTENT. 75
2.12.050 EMERGENCY ORDINANCES 75
2.12.060 SIGNATURE REQUIRED. 76
2.12.070 ORDINANCES CONFINED TO SINGLE SUBJECT. 76
2.12.080 ADOPTION OF TECHNICAL CODES. 76
2.12.090 RESOLUTIONS-FORMAL ACTS. 77
2.12.100 RESOLUTIONS-PROCEDURE. 77
2.12.110 RULES AND REGULATIONS. 77
CHAPTER 2.14 CITY ADMINISTRATOR: 78
2.14.010 APPOINTMENT. 78
2.14.020 QUALIFICATIONS. 78
2.14.030 SUSPENSION AND REMOVAL. 78
2.14.040 ACTING ADMINISTRATOR. 78
2.14.050 POWERS AND DUTIES. 79
CHAPTER 2.16 CITY CLERK/TREASURER SECTIONS: 80
2.16.010 APPOINTMENT-TERM. 80
2.16.020 CITY CLERK-DUTIES. 80
2.16.030 CITY CLERK-ADDITIONAL DUTIES. 80
2.16.040 ACTING CLERK. 81
2.16.050 TREASURER-DUTIES. 81
2.16.060 TREASURER-ADDITIONAL DUTIES. 81
2.16.070 TREASURER. 81
2.16.080 ACCOUNTING. 82
CHAPTER 2.20 CITY ATTORNEY SECTIONS: 83
2.20.010 APPOINTMENT. 83
2.20.020 DUTIES. 83
CHAPTER 2.24 OFFICERS AND EMPLOYEES 84
2.24.010 PURPOSE. 84
2.24.020 HIRING POLICY. 84

2.24.030 EMPLOYMENT. 86
2.24.040 TRAVEL AND PER DIEM ALLOWANCE 88
2.24.050 SUSPENSION, DEMOTION AND TERMINATION. 89
2.24.060 ANNUAL LEAVE. 91
2.24.070 SICK LEAVE 92
2.24.075-JURY AND COURT LEAVE. 94
2.24.080 GRIEVANCES. 94
2.24.090 COMPENSATION. 97
2.24.100 CONDUCT IN OFFICE--INVESTIGATIONS--OATH. 98
2.24.110 INDEMNIFICATION. 98
CHAPTER 2.28 - ELECTIONS 99
2.28.010 ADMINISTRATION OF ELECTIONS. 99
2.28.015 POLLING LOCATIONS 99
2.28.020 VOTER QUALIFICATION. 99
2.28.030 GENERAL ELECTION-TIME. 99
2.28.035 MAYORAL ELECTION TIME. 99
2.28.040 SPECIAL ELECTION-TIME. 99
2.28.050 EXPENSES. 99
2.28.060 TIME OFF FOR VOTING. 100
2.28.065 THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES CAST FOR THE SEAT DECLARED SHALL BE THE WINNER OF THAT COUNCIL SEAT. 100
2.28.066 WRITE-IN CANDIDATES. 100
2.28.068 WRITE-IN VOTES NOT COUNTED. 100
2.28.080 ADMINISTRATION. 101
2.28.090 ELECTION JUDGES. 101
2.28.100 ELECTION BOARD-VACANCY FILLING. 101
2.28.110 ELECTION OFFICIAL-OATH. 101
2.28.120 CANVASS COMMITTEE. 101
2.28.130 QUALIFICATIONS-GENERAL ELECTION. 102
2.28.135 QUALIFICATIONS-MAYORAL ELECTION. 102
2.28.140 DECLARATION OF CANDIDACY-FILING FOR GENERAL ELECTION. 102
2.28.150 DECLARATION OF CANDIDACY-FILING FOR MAYORAL ELECTION. 102
2.28.160 DECLARATION OF CANDIDACY-RECORD. 103
2.28.170 DECLARATION OF CANDIDACY-TIME FOR WITHDRAWING CANDIDACY. 103
2.28.180 NOTICE OF ELECTION. 103
2.28.190 ELECTION NOTICE CONTENTS. 103
2.28.200 ELECTION BOOTHS. 104
2.28.210 FURNISHING INSTRUCTION CARDS. 104

2.28.220 BALLOTS-PRINTING AND INSPECTION. 104
2.28.230 BALLOTS-FORM. 104
2.28.240 SAMPLE BALLOTS. 105
2.28.250 DIVISION OF ELECTIONS PRECINCT LISTS-DISTRIBUTION TO PRECINCT OFFICIALS. 105
2.28.260 TIME FOR OPENING AND CLOSING POLLS. 105
2.28.270 DISTRIBUTION OF BALLOTS. 106
2.28.280 PREPARATION OF BALLOT BOX. 106
2.28.290 VOTING PROCEDURE. 107
2.28.300 MARKING OF BALLOTS BY VOTERS. 107
2.28.320 QUESTIONING A VOTER'S BALLOT. 108
2.28.330 QUESTIONED BALLOTS-DISPOSITION. 108
2.28.340 BALLOTS-COUNTING AND TALLYING. 109
2.28.350 DEFECTIVE AND UNUSED BALLOTS. 109
2.28.360 ELECTION CERTIFICATE. 110
2.28.370 MAJORITY DECISION OF ELECTION JUDGES. 110
2.28.380 PROHIBITIONS NEAR ELECTION POLLS. 110
2.28.390 CANVASS COMMITTEE-MEETING-POSTPONING CANVASS. 110
2.28.400 CANVASS TO BE MADE PUBLIC. 110
2.28.410 INVESTIGATION OF QUESTIONED BALLOTS. 111
2.28.420 QUESTIONED BALLOTS-SUBPOENAS. 111
2.28.430 CANVASS COMMITTEE-REPORT-CONTENTS. 111
2.28.440 RESULTS OF ELECTION-PUBLIC DECLARATION. 111
2.28.450 CERTIFICATE OF ELECTION. 112
2.28.460 ABSENTEE VOTING-ELIGIBLE PERSONS. 112
2.28.470 ABSENTEE BALLOT-APPLICATION-FILING. 112
2.28.480 ABSENTEE BALLOT-DELIVERY. 112
2.28.490 ABSENTEE BALLOT-NOTATION OF BALLOT NUMBER AND DATE OF APPLICATION. 113
2.28.500 ABSENTEE BALLOT-COMPLETION-RETURN. 113
2.28.510 ABSENTEE BALLOT-EXECUTION IN CITY. 113
2.28.520 ABSENTEE BALLOT-EXECUTION OUTSIDE CITY. 114
2.28.530 ABSENTEE BALLOT-RECEIPT. 114
2.28.540 ABSENTEE BALLOT-VOTING SUPPLIES. 115
2.28.550 LIBERAL CONSTRUCTION. 115
2.28.560 CONTEST OF ELECTION. 115
2.28.570 RECOUNT EXPENSES-APPEAL. 115
2.28.580 CONTEST OF ELECTION-INVESTIGATION. 116
2.28.590 BALLOT RECOUNT. 116
2.28.600 PROHIBITED PRACTICES ALLEGED. 116

2.28.610 SUSTAINED CHARGES-RECOUNT. 116
2.28.620 DETERMINATION OF TIE-VOTES. 116
CHAPTER 2.32 FIRE DEPARTMENT SECTIONS: 117
2.32.010 DEPARTMENT ESTABLISHED. 117
2.32.015 STIPEND. 117
2.32.020 FIRE CHIEF--APPOINTMENT--DISCHARGE. 117
2.32.030 DEPARTMENT STAFF. 117
2.32.040 VOLUNTEERS. 118
2.32.042 SERVICE FEES. 118
2.32.050 DEPARTMENT RESPONSIBILITIES. 118
2.32.060 FIRE CHIEF RESPONSIBILITIES. 119
CHAPTER 2.34 - POLICE DEPARTMENT SECTIONS: 121
2.34.010 DEPARTMENT GENERALLY--CHIEF. 121
2.34.020 POWERS AND DUTIES. 121
CHAPTER 2.36 - LAW ENFORCEMENT DEPARTMENT: 122
2.36.010 DEPARTMENT ESTABLISHED. 122
2.36.020 VILLAGE PUBLIC SAFETY OFFICER. 122
2.36.030 CODE ENFORCEMENT OFFICER 123
CHAPTER 2.38 - EMERGENCY MEDICAL SERVICES DEPARTMENT 124
2.38.010 DEPARTMENT ESTABLISHED. 124
2.38.015 EMS COORDINATOR APPOINTMENT AND ACCOUNTABILITY. 124
2.38.020 DUTIES OF EMS COORDINATOR 124
2.38.025 EMS MEMBERS--APPOINTMENT/DISCHARGE. 126
2.38.030 VOLUNTEER ASSOCIATION. 126
2.38.040 SERVICE FEES. 127
2.38.050 COMPENSATION. 127
CHAPTER 2.40 BOARD OF ADJUSTMENT 128
2.40.010 DESIGNATED. 128
2.40.020 ADJUSTMENT PROCEDURE. 128
2.40.030 APPEALS. 128
CHAPTER 2.42 COMMITTEES, BOARDS AND OMMISSIONS 129
2.42.010 COMMITTEES, BOARDS AND COMMISSIONS-REGULATIONS. 129
2.42.020 MEMBERS-TERMS-OFFICERS. 129
2.42.030 APPOINTMENT. 129
2.42.040 COMPENSATION. 130
2.42.050 VACANCY. 130
2.42.060 EX OFFICIO MEMBERS. 130

2.42.070 MEETINGS. 130
2.42.080 PROCEDURE. 130
2.42.090 CONFLICT OF INTEREST. 131
2.42.100 QUORUM. 131
2.42.110 EXECUTIVE SESSION. 131
2.42.120 REPORTS AND MINUTES. 131
2.42.130 APPEAL. 131
CHAPTER 2.44 - HEALTH AND SAFETY COUNCIL 132
2.44.010 ESTABLISHED-PURPOSE. 132
2.44.020 MEMBERSHIP. 132
2.44.030 HASC OFFICERS. 132
2.44.040 VACANCIES. 132
2.44.050 MEETINGS. 133
2.44.060 ORDER OF BUSINESS. 133
2.44.070 VOTING-QUORUM. 134
2.44.080 OFFICE AND STAFF. 134
2.44.090 WRITTEN RECOMMENDATIONS. 134
2.44.100 FUNDS. 134
2.44.110 HEALTH AND SAFETY FUNCTIONS. 134
CHAPTER 2.48 PLANNING COMMISSION 136
2.48.010 ESTABLISHED-PURPOSE. 136
2.48.020 COMMISSION MEMBERSHIP. 136
2.48.025 COMPENSATION OF PLANNING COMMISSION OFFICIALS. 136
2.48.030 COMMISSION OFFICIALS. 136
2.48.040 VACANCIES. 137
2.48.050 MEETINGS. 137
2.48.055 VOTING--QUORUM. 138
2.48.060 ORDER OF BUSINESS. 138
2.48.070 OFFICE AND STAFF. 138
2.48.080 FORMAL COMMISSION ACTS. 138
2.48.090 FUNDS. 139
2.48.100 PLANNING COMMISSION DUTIES. 139
CHAPTER 2.52 DOCUMENTS 141
2.52.010 DOCUMENTS-APPROVAL-ATTESTATION. 141
2.52.020 FILING WITH STATE. 141
2.52.030 PUBLIC RECORDS-RETENTION-DISPOSAL. 141
CHAPTER 2.56 - CITY PROPERTY SECTIONS: 142
2.56.010 ACQUISITION AND OWNERSHIP-AUTHORITY. 142

2.56.020 REAL PROPERTY DEFINED. 142
2.56.030 ACQUISITION-FORM. 142
2.56.040 EMINENT DOMAIN-AUTHORITY. 143
2.56.050 EMINENT DOMAIN-ADVERSE POSSESSION. 143
2.56.060 ACQUISITION AND OWNERSHIP-RIGHTS AND POWERS. 143
2.56.070 ACQUISITION-DEDICATION OF PLAT. 143
2.56.080 INDUSTRIAL SITES. 143
2.56.090 FEDERAL AND STATE AID. 143
2.56.100 REAL PROPERTY AS SECURITY. 143
2.56.110 APPLICABILITY. 144
2.56.120 COMMENCEMENT. 144
2.56.130 WITHOUT WARRANTY. 144
2.56.140 APPRAISAL REQUIRED – MINIMUM PRICE. 144
2.56.150 DISPOSAL METHODS. 145
2.56.160 DISPOSALS FOR PUBLIC USE. 146
2.56.170 DISPOSAL PROCEDURES. 146
2.56.190 LANDS AVAILABLE FOR LEASING-CLASSIFICATION OF LANDS. 148
2.56.200 LEVELS OF APPROVAL REQUIRED. 148
2.56.210 RENT. 148
2.56.220 TERM OF LEASES. 149
2.56.230 PUBLIC NOTICE. 150
2.56.240 LEASING LAND - NEGOTIATED OR COMPETITIVE 150
2.56.250 APPLICATIONS, FEES, TERMS, AND PAYMENTS FOR COMPETITIVE BIDDING. 151
2.56.260 COMPETITIVE BIDDING -- APPEALS. 152
2.56.270 NEGOTIATED LEASES. 153
2.56.280 RIGHTS PRIOR TO LEASING. 153
2.56.320 TERMS AND CONDITIONS OF LONG-TERM LEASES AND SHORT-TERM LEASES (RENTAL AGREEMENTS). 153
2.56.400 VALUE SCHEDULE FOR DISPOSAL OF PERSONAL PROPERTY. 160
2.56.410 COMPETITIVE BIDDING NOT REQUIRED FOR SALE OF SURPLUS OR OBSOLETE GOODS. 160
2.56.420 SURPLUS STOCK OR OBSOLETE SUPPLIES, MATERIALS OR EQUIPMENT. 160
2.56.430 DECLARATION OF OBSOLESCENCE. 161
2.56.500 POWER TO DISPOSE OF NATURAL RESOURCES. 162
2.56.510 NATURAL RESOURCES DEFINED. 162
2.56.520 SALE OR DISPOSAL-FORM. 162
2.56.530 SALE OR DISPOSAL-RIGHTS AND POWERS. 162
2.56.540 NATURAL RESOURCE EXCHANGES. 162

2.56.550 PUBLIC SALE-WHEN REQUIRED. 163
2.56.560 PUBLIC SALE PROCEDURES. 163
2.56.570 MINIMUM ACCEPTABLE OFFER. 163
2.56.580 CONDITIONS OF SALE. 164

CHAPTER 2.04 - CITY COUNCIL

2.04.010 COMPOSITION.

The council shall consist of seven members elected by the voters at large. (Prior code Ch. 4 § 1)

2.04.020 QUALIFICATIONS OF COUNCILMEMBER'S.

The councilmembers shall be qualified city voters.

A. A councilmember who ceases to be eligible to be a city voter immediately forfeits his office.
B. A member of city council must keep current on any accounts held with the City (i.e., utilities, lease payments, rents, sales tax, etc.…). Any member whose account falls into delinquency for more than sixty (60) days may be removed from office by a majority vote of the council. City Council will consider financial or other hardships.
C. Any person declaring candidacy for a committee, board or commission shall not be considered until the persons accounts are made current. City Council will consider financial or other hardships.
D. An employee of the City cannot be appointed or elected to a seat on the city council.

(Ordinance 06-02-21-01; Prior Code Ch. 4 § 2)

2.04.030 ELECTION OF COUNCILMEMBER'S-TERMS.

An election is held annually on the first Tuesday of October, to choose council members for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the certification of election.

2.04.040 OATH OF OFFICE.

A. All officers elected or appointed before entering upon the duties of office shall affirm in writing the following oath and affirmation:
B. I .. . do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the City of Thorne Bay, State of Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of . . .. . . So help me God.
C. The oath is filed with the municipal clerk. (Prior code Ch. 4 § 4)

2.04.050 COMPENSATION OF COUNCILMEMBERS.

Each member of the council shall receive compensation at the rate of fifty ($50.00) dollars for each regular meeting of the council attended. No compensation shall be paid for attending special meetings of the council. (Ord 25-12-02-02 2025; Prior Ord. 05-09-06-02; Ord. 8201-02[A] (part), 1986: prior code Ch. 4 § 5)

2.04.055 SUSPENSION OF THE RULES

The rules of order and the order of business shall be observed in all cases unless temporarily suspended for a special purpose by vote of the majority of the council present.

(Ordinance 21-04-06-05; Prior Ord. 92-08§ 5,1992)

2.04.060 SALARIES OF ELECTED OFFICIALS.

The council may fix by ordinance the salaries of elected officials. An elected officer may not receive any compensation as a city employee unless otherwise provided for by ordinance.

The City of Thorne Bay has a non-accountable plan for per-diem allowances; therefore, it is treated as compensation to the employee. (Ord. 10-01-19-03, Prior Ord. 87-06, 1987: Ord. 8201-02[A] (part), 1986: prior code Ch. 4 § 6)

2.04.065 INDEMNIFICATION.

The city will indemnify and hold harmless the city councilmember's and their appointees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of their duties, as assigned or set forth in this code; provided that any such claims, damages, losses or expenses are not caused in whole or in part by any willful or fraudulent act or omission by such councilmember's and their appointees. (Ord. 90-07 § 5, 1990)

2.04.070 EMPLOYMENT FOR CITY WORK.

Purpose. The prohibition on city employment of councilmembers created a hardship in smaller communities where the city was an employer. In recognition of various hardships, the Alaska Legislature amended the Title 29, effective January 1, 1986, and stipulated in AS 29.20.620, "The governing body shall by ordinance provide a method of determining the salaries of elected officials...". An elected official may not receive compensation for service to the municipality in addition to the salary received as an elected official, unless otherwise

provided for by ordinance. By allowing the city to pass an ordinance to deal with this issue, the law allows the city to fashion a solution for the particular circumstances.

1. A councilmember shall be required to comply with the requirements of employment and shall be paid according to the wage scale established by the city for the work involved.
2. The employment application of a councilmember for city work must be approved by the mayor and by a duly constituted quorum of the city council.

(Ord. 88-55 § 4, 1988; Ord. 87-08 §§ 1, 2, 1987)

2.04.075 CONTRACTUAL SERVICES BY COUNCILMEMBER'S.

A. A councilmember may provide contractual services to the city at an agreed rate of pay when in the best interests of the city.

B. The contractual services of a councilmember for city work must be approved by the mayor and a duly constituted quorum of the city council. (Ord. 88-55 § 5, 1988)

2.04.080 CONFLICTS OF INTEREST.

A councilmember or employee of the city shall disqualify himself or herself from participating in any official action in which he or she has a substantial financial interest. For purposes of this section, "substantial financial interest" means a pecuniary or material benefit accruing to a councilmember or other officer or employee of the city, or family member of a councilmember or employee, as a result of a private, business or professional transaction with the city. "Family member" means spouse, father, mother, brother, sister, child, step-child, step-brother, step-sister or in-law. A councilmember or other officer, employee or family member shall be deemed to have a substantial financial interest in the affairs of:

1. A firm, partnership, association or governmental entity (other than the city) of which such councilmember, officer, employee or family member is a member or employee;
2. A corporation of which such officer, employee or family member is an officer, director or employee or in which he or she owns (either directly or beneficially) a controlling interest. The city council shall, by resolution, approve all transactions covered in this section. (Ord. 01-11-15-03 § 4(part), 2001: Ord. 90-08 § 5, 1990)

2.04.090 PROHIBITIONS.

No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of his race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations. Alaska Statutes Title 18.80 is applicable beyond the scope of this chapter.

2.04.100 VACANCIES.

An elected city office is vacated under the following conditions. The council shall declare an elective office vacant when the person elected:

A. Fails to qualify or take office within thirty days after his election or appointment;
B. Is physically absent from the city for a ninety-day period, unless excused by council;
C. Resigns and his resignation is accepted;
D. Is physically or mentally unable to perform the duties of his office;
E. Is removed from office;
F. Misses three unexcused regular or special meetings within a one-year period; or
G. Is convicted of a felony or of an offense involving a violation of his oath of office.

2.04.110 FILLING A VACANCY.

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall, within 60 days, designate a person to fill the vacant seat. The person appointed serves until the next regular city election and until their successor qualifies. If a regular election is scheduled to occur within 60 days from the date a vacancy is declared, the vacancy may not be filled. (Ord. 23-08-15-01; Prior code Ch. 4 § 10)

2.04.115 RULES OF ORDER

The most recent edition of Robert's Rules of Order Newly Revised is adopted and made part of these rules of procedure and governs the conduct of meetings of the Council except as otherwise provided by the Thorne Bay Municipal Code, these rules of procedure, or the Alaska Statutes.(Ordinance 21-4-06-05)

2.04.120 MEETINGS-OPEN TO PUBLIC.

All meetings of municipal bodies shall be open to the public, except as otherwise provided by this chapter. Attendance and participation at meetings by members of the public or by members of the municipal body may be by teleconferencing. Materials that are to be considered at the meeting shall be made available at teleconference locations if practicable.

Voting of a municipal body shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a municipal body, described in this subsection.

A. This section does not apply to:

1. A municipal body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding;
2. Staff meetings or other gatherings of the employees of the city; or
3. Meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the city, or member of a municipal body is a member, but only if no action is taken and no business of the municipal body is conducted at the meeting.

B. Action taken contrary to this section is void able. A lawsuit to void an action take in violation of this section must be filed in superior court within one hundred eighty days after the date of the action. A member of a municipal body may not be named in an action to enforce this section in the member's personal capacity. A municipal body that violates or is alleged to have violated this section may cure the violation or alleged violation by holding another meeting in compliance with notice and other requirements of this chapter and conducting a substantial and public reconsideration of the matters considered at the original meeting. If the court finds that an action is void, the municipal body may discuss and act on the matter at another meeting held in compliance with this chapter. A court may hold that an action taken at a meeting held in violation of this section is void only if the court finds that, considering all of the circumstances, the public interest in compliance with this section outweighs the harm that would be caused to the public interest and to the public entity by voiding the action. In making this determination, the court shall consider at least the following:

1. The expense that may be incurred by the city, other municipal bodies, other governmental bodies, and individuals if the action is voided;
2. The disruption that may be caused to the affairs of the city, other municipal bodies, other governmental bodies, and individuals if the action is voided;
3. The degree to which the city, other municipal bodies, other governmental bodies, and individuals may be exposed to additional litigation if the action is voided;
4. The extent to which the municipal body, in meetings held in compliance with this section, has previously considered the subject;
5. The amount of time that has passed since the action was taken;

6. The degree to which the city, other municipal bodies, other governmental bodies, or individuals have come to rely on the action;
7. Whether and to what extent the municipal body has, before or after the lawsuit was filed to void the action, engaged in or attempted to engage in the public reconsideration of matters originally considered in violation of this section;
8. The degree to which violations of this section were willful, flagrant, or obvious; and
9. The degree to which the governing body failed to adhere to the policy set forth in AS 44.62.312(a).
10. Subsection c of this section does not apply to a municipal body that has only authority to advise or make recommendations to the municipal body and has no authority to establish policies or make decisions for the city.

C. In this section:

1. "Municipal body" means the city council, other councils, boards, commissions, committee, or other similar body of the city with the authority to establish policies or make decisions for the city or with the authority to advise or make recommendations to the city; "municipal body" includes the members of a subcommittee or other subordinate unit of the city if the subordinate unit consists of two or more members;
2. "meeting" means a gathering of members of a municipal body when: (a) more than three members or a majority of the members, whichever is less, are present, a matter upon which the municipal body is empowered to act is considered by the members collectively, and the municipal body has the authority to establish policies or make decisions for the city; or (b) the gathering is prearranged for the purpose of considering a matter upon which the municipal body is empowered to act and the municipal body has only authority to advise or make recommendations for the city but has no authority to establish policies or make decisions for the city. (Ord. 99-20 §6(part), 1999: ord. 86-06-24-01 §1, 1986)

2.04.130 MEETINGS--REGULAR.

A. Regular council meetings shall be held on the first and third Tuesdays of each month. Either meeting may be rescheduled for cause, but two monthly meeting shall be held, unless one is cancelled by the majority vote of the City Council. (Ord 24-02-06-01 §4)
B. Regular council meetings shall be held at City Hall unless that meeting place is unavailable in which case the meeting may be held at another location designated by the council presiding officer. (Ord 25-12-02-01 2025; Prior Ord. 04-06-17-01 §4, 2004; Ord. 90-24 §5(part), 1990)

2.04.140 MEETINGS-SPECIAL.

A. Special meetings of a municipal body are those meetings that are called for a time different than that fixed for the regular municipal body meetings. The location of all special meetings shall be the same as that authorized for regular meetings.

B. If a majority of the members are given at least twenty-four hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the municipal body may be held on the call of the presiding officer or at least three members of the municipal body. A special meeting may be conducted with less than twenty-four hours' notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal of the meeting. (Ord. 99-20 § 6(part), 1999: Ord. 86-06-24-01 § 3, 1986)

2.04.150 MEETINGS-NOTICE.

A. Except as otherwise provided in this chapter, public notice containing the date, time and place of any municipal body meeting shall be posted at City Hall and in five other public places within the city at least five days before any meeting except a special meeting.

B. Public notice of a special meeting shall be posted at City Hall and in five other public places within the city at least twenty-four hours before the meeting and shall list only subjects to be considered at the meeting. Less than a twenty-four-hour public notice may be given if the waiver of the municipal body members' twenty-four-hour notice is utilized as authorized in Section 2.04.140 (B).

C. If the meeting is by teleconference, the public notice must contain the location of any teleconferencing facilities that will be used. (Ord. 99-20 § 6(part), 1999: Ord. 90-24 § 5(part), 1990)

2.04.151 AGENDAS-POSTING.

A. The for a regular meeting shall be posted in five public places within the city at least three days before the meeting. Agenda packets containing information pertinent to agenda items shall be delivered to each councilmember no later than on the Friday of the week preceding the meeting.

B. Agenda items for any other council meetings shall be included in the publicly posted meeting notice. (Ord. 90-24§5(part),1990)

2.04.160 EXECUTIVE SESSIONS.

A. The following subjects may be considered in an executive session:
    1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the city;
    2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
    3. Matters that by law, municipal charter, or ordinance are required to be confidential;
    4. Matters involving consideration of city records that by law are not subject to public disclosure.

B. The following shall be discussed in executive session when the best interests of the city so require:
    1. Negotiations with labor organizations representing city employees;
    2. Discussions of pending or threatened lawsuits in which the city has an interest.

C. If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters listed in subsections A and B of this section shall be determined by majority vote of the municipal body. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

D. Persons who are to be the subject of discussions set forth in subsection (A)(2) of this section shall be given a minimum of five days' written notice of the circumstance that they will be the subject of such a discussion, the time and place of the meeting and an advisement that they have the right to request that the discussion occur in public.

E. Councilmembers must be present in order to participate in executive session, unless otherwise authorized by a majority vote of the city council. (Ordinance 21-07-20-02, adding § (E). (Ord. 99-20 § 6(part), 1999: Ord. 86-06-24-01 § 5, 1986)

2.04.170 MEETINGS-MAYOR THE PRESIDING OFFICER.

A. The mayor shall preside at all meetings of the council. He shall preserve order among the councilmember's and is responsible for conduct of all meetings according to the rules of the council. He may at any time make such rules as he considers proper to preserve order among the spectators in the city council room during sessions of the council.

B. In the temporary absence or disability of both the mayor and vice mayor, any member of the city council may call the council to order at any duly called meeting to elect a mayor pro tempore from among its number and the mayor pro tempore shall exercise all the powers of mayor during such temporary absence or disability of both the mayor and the vice mayor and may also vote. (Ord. 89-24 § 5(part), 1989; prior code Ch. 7 § 1)

2.04.180 MEETINGS-ORDER OF BUSINESS.

At all regular meetings of the council, the order of business shall be:

A. Call to order.
   The mayor or presiding officer shall call the meeting to order and state the date and time of the meeting for the record.
   If a workshop is scheduled preceding the regular council meeting, publication shall be made on the website and posted at city hall and the post office that the workshop will be held and state the date and time of the meeting.
B. Pledge of allegiance.
C. Ceremonial matters – oath of offices
D. Roll call.
E. Approval of the agenda.
F. Administrative reports
   Administrative reports are provided at each meeting of the city council. The council may ask clarification questions of the administrator but shall not enter into any debate.
G. Department reports.
   Department reports are provided at the second meeting of every month for each department of the city.
   Department reports
   - Harbor
   - Water
   - Solid waste
   - VPSO reports
   - EMS report
   - Fire report
H. Mayor and council comments.
   This agenda item is reserved for the mayor and council to provide reports or comments and to introduce items not previously on the agenda which need to be brought to the attention of the entire council or the staff. Council members may hold limited discussion on these topics or ask the city administrator or the city clerk for clarifying information.

   By majority consent of the council, the mayor or council may give direction to the city administrator or the city clerk to add an item for consideration for the next regular

council meeting. Other than as described in this subsection, no action may be taken by the council under this agenda item. The council shall respectively address the mayor when requesting to speak per the Thorne Bay Municipal Code2.04.200.

I. Public comments.
This is the opportunity for the public to speak in reference to items on the agenda-if no one wants to speak in reference to items on the agenda then open to general comments.
The city council encourages public participation in the decision-making process and appreciates when residents bring issues of community concern to their attention.
Comments are limited to no more than 3 minutes per speaker, but that time limit may be reduced at the mayor's discretion if there are numerous speakers on a particular item.

J. Conflict of interest. The purpose of this agenda item is to provide a time for any conflict-of-interest disclosures and determinations on such disclosures by the mayor, as may be necessary.

K. Consent agenda.
The consent agenda consists of matters that are routine in nature, such as minutes, budgeted agreements and resolutions. They are approved under one blanket motion, with the exception of items that are pulled off by councilmembers for discussion. Those items are considered separately after the consent agenda is approved.

L. Public hearing and public participation on agenda items.
Public hearings are required on certain agenda items, including ordinances. An opportunity for public participation will be allowed on all other agenda items other than appeals. Persons wishing to be heard will be recognized by the mayor to speak following any administrative or committee discussion on the item. Additional rules on the conduct of public hearings and public participation on agenda items are set out in the policies and procedures of city council meetings manual, found on the city website or obtain a copy by request to the city clerk.

M. Unfinished business.
This agenda item includes unfinished matters transferred from previous meetings and other items of unfinished business.

N. New business.
This agenda item includes items not previously addressed by the council, and items moved from the consent agenda during a meeting.

O. Executive session. The procedure for executive session is set out in TBMC 2.04.160.

P. Final public comments.

Q. Final council comments

R. Adjournment. (Ordinance 21-04-06-05; Ord. 92-08§ 5, 1992)

2.04.190 MEETINGS-MINUTES.

Minutes of all regular and special meetings shall be taken. All minutes of regular and special meetings shall be kept in the journal of the proceedings of the council. The minutes are public record and are to be made available to anyone upon request. (Prior code Ch. 7 § 3)

2.04.200 MEETINGS-COUNCIL RULES.

A. A councilmember about to speak shall respectfully address the mayor or presiding officer and shall not commence to speak until recognized by the mayor or presiding officer. When two or more members request to speak at the same time, the mayor or presiding officer shall determine which one is recognized.

B. Every member while speaking shall confine himself to the subject under debate and shall not refer to any other member of the council except in a respectful manner. (Prior code Ch. 7 § 4)

2.04.210 MEETINGS-MOTIONS-SECOND REQUIRED.

Until a matter has been brought before the council in the form of a motion proposing a specific action, it cannot be debated. All motions shall require a second, unless otherwise provided by special rule. (Ordinance 21-04-06-05; Prior code Ch. 7 § 5)

2.04.220 MEETINGS-MOTIONS-WITHDRAWAL.

After a motion is seconded and stated or read by the mayor or presiding officer, it shall be considered to be in the possession of the council and shall be disposed of by vote, but the councilmember making the motion may withdraw it at any time before the vote, if the second agrees. (Prior code Ch. 7 § 6)

2.04.230 MEETINGS-REDUCTION TO WRITING.

Any motion must be reduced to writing if the mayor or presiding officer requires or if any councilmember demands. (Prior code Ch. 7 § 7)

2.04.240 MEETINGS-RESCINDING VOTE.

Any previous vote on a motion may be rescinded by vote of the majority of the council. (Prior code Ch. 7 § 8)

2.04.250 VOTING-QUORUM.

A. Four council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution or motion.

B. The final vote on each ordinance, resolution or substantive motion is a recorded roll call vote. All councilmember's present shall vote unless the council, for special reasons, permits a member to abstain.

C. The mayor or presiding officer shall declare all votes; he shall declare the result.

D. Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the council for special reason excuses him. Applications to be so excused must be made before the vote and shall be decided without debate. (Prior code Ch. 7 §9)

2.04.260 DUTIES OF THE CLERK AT COUNCIL MEETINGS.

The city clerk shall give notice of city council meetings, shall attend all meetings of the council and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk. (Prior code Ch. 7 §10)

CHAPTER 2.06 – CONFLICTS OF INTEREST

2.06.005 Declaration Policy

It is declared that high moral and ethical standards among municipal officers are essential to the conduct of free government; and that the council believes that a code of ethics for the guidance of municipal officers will encourage those officers to avoid acting upon substantial personal interests or substantial financial interests in the performance of their public responsibilities, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of this municipality in their municipal officers. It is further declared that holding public office or employment is a public trust and that as one safeguard of that trust, the people require municipal officers to adhere to a code of ethics. (Ordinance 21-06-15-01)

2.06.008 Scope of code.

A. The council affirms that each municipal officer holds office as a public trust, and any effort to benefit a substantial personal interest or a substantial financial interest through official action is a violation of that trust. The public trust and this chapter do not prohibit an officer from following independent pursuits, so long as those pursuits do not interfere with the full and faithful discharge of an officer's public duties. The council further recognizes that:
    1) In a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be entirely without personal and financial interests in the decisions and policies of government;
    2) Citizens who serve as municipal officers retain their rights to interests of a personal or financial nature; and
    3) Standards of ethical conduct for municipal officers need to distinguish between those inconsequential conflicts which are unavoidable in a free society, and those which are substantial and material.

B. There is no violation of this Code if, as to a specific matter, a municipal officer's:
    1) Personal or financial interest in the matter is insignificant; or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs;
    2) Action or influence would have an insignificant or conjectural effect on the matter; or
    3) Action consists of voting in favor of introduction of an ordinance.

C. The City attorney, hearing officers, and hearing agencies shall be guided by this section when issuing opinions and reaching decisions. (Ordinance 21-06-15-01)

2.06.010 Misuse of Official Position

A. A municipal officer may not use, or attempt to use, an official position in order to gain

a benefit, and may not intentionally secure for, or grant to, any person unwarranted benefits, treatment or advantage.

B. A municipal officer may not:
   1) Seek other employment or contracts through the use or attempted use of the powers of official position;
   2) Accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the municipality;
   3) Use municipal time, property, equipment, or other facilities with intent to secure a benefit;
   4) Take or withhold official action in order to affect a matter in which the municipal officer has a personal or financial interest;
   5) Attempt to affect a personal or financial interest through coercion of a subordinate; or
   6) Restrict, or threaten to restrict a contractor's eligibility or opportunity to contract with the city solely in order to secure an unwarranted advantage for the city or the officer.

C. A councilmember, or member of any board or commission may not deliberate or vote on any matter in which he or she has a substantial personal or financial interest.

D. State law reference(s)—Conflict of interest, AS 29.20.010; misuse of official position, AS 39.52.120. (Ordinance 21-06-15-01)

2.06.020 Gifts

A. No municipal officer shall, directly, or indirectly, solicit or accept any gift to the officer's benefit, whether in the form of money, service, loan, travel, entertainment, hospitality, promise, or otherwise under circumstances in which it could reasonably be inferred that the gift is intended to influence the officer in the performance of the officer's official duties or constitutes a reward for any official action by the officer.

B. Travel, even if intended to influence an officer, shall not be regarded as a gift to the officer's benefit if:
   1) The benefits to the public resulting from the travel clearly outweigh the detriment caused by the absence of the officer;
   2) The nature and extent of the transportation and hospitality provided to the officer are economical, businesslike and necessary;
   3) The officer is not eligible to take personal leave during the travel; and
   4) The officer submits a pre-travel request and post-travel report for approval by the body of which he or she is a member or, in the case of employees, the City administrator.

C. Any officer who accepts a gift having a value in excess of $50.00 shall report such gift to the officer's supervisor if the officer may take or withhold action that affects the giver. The supervisor shall forward a copy of the report to the City attorney who shall maintain the

report in a public file. As used in this section, "gift" includes any series of gifts from the same donor within any 12-month period, other than meals reciprocated by the officer.

State law reference(s)—Alaska Executive Branch Ethics Act, AS 39.52.010 et seq. (Ordinance 21-06-15-01)

2.06.030 Improper use or Disclosure of Information.

A municipal officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties for the purpose of affecting a personal or financial interest of the officer or the officer's immediate family. This section does not apply to information concerning programs or services available to the public or to municipal employees generally. (Ordinance 21-06-15-01)

2.06.040 Improper Influence in Municipal Grants, Contracts, Leases or Loans.

A. A municipal officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a substantial personal or financial interest in a municipal grant, contract, lease, or loan if the municipal officer or any person supervised by the municipal officer may take or withhold official action that affects the award, execution, or administration of the municipal grant, contract, lease, or loan.

B. The prohibition in subsection (a) of this section does not apply to a municipal grant, contract, or lease which is competitively solicited, unless the officer:

    1) Is employed by the agency awarding the grant, contract, or lease, or is employed by the agency for which the grant, contract, or lease is let; or
    2) Takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

C. The prohibition in subsection (a) of this section does not apply to a municipal loan held by the officer or an immediate family member if:

    1) The municipal officer does not take or withhold official action that affects the award, execution, or administration of the loan;
    2) The loan is generally available to members of the public; and
    3) The loan is subject to fixed eligibility standards.

D. Notwithstanding the provisions of subsection (b)(1) or (c)(1), a council member, or member of any board or commission may have a personal or financial interest in a municipal grant, contract, lease, or loan which is subject to action by the body on which the member serves, provided that the member does not take or attempt to influence official action with respect to the award, execution, or administration of the grant, contract, lease, or loan. As used in this section, "attempt to influence" does not include submission of a written bid or application conforming to standard requirements and available for public inspection and copying prior to award whether or not award is to the member.

E. A municipal officer shall report in writing to the City attorney a personal or financial interest held by the officer in a municipal grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves. (Ordinance 21-06-15-01)

2.06.050 Improper Representation.

A. A municipal officer may not represent, advise, or assist another person in any matter pending before the agency that the officer serves if the representation, advice, or assistance is:
   1) For compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule; or
   2) Without compensation but rendered to affect a personal or financial interest of the municipal officer.

B. This section does not prohibit activities related to collective bargaining. (Ordinance 21-06-15-01)

2.06.060 Prohibited Conduct.

A. Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either:
   1) A personal or business relationship not covered under the foregoing subsection; or
   2) A transaction or activity engaged in by the official;

   The official shall disclose the facts giving rise to the appearance of a conflict before participating in the matter.

B. Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the City, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

C. Representation of Third Parties. The members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.

D. Solicitations of Charitable Contributions. No official may make direct personal solicitations for charitable contributions from city employees.

E. Gifts and Favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law.

F. Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means:

1) Specific information, rather than generalized knowledge, that are not available to a person who files a public records request; and
2) Information made confidential by law;
3) Information provided to the council or staff or discussed in executive sessions of the council. (Ordinance 21-06-15-01)

2.06.085 Definitions.

A. For purposes of this section

"Substantial financial interest" means a pecuniary or material benefit accruing to a councilmember or other officer or employee of the city, or family member of a councilmember or employee, as a result of a private, business or professional transaction with the city.

"Family member" means spouse, father, mother, brother, sister, child, stepchild, step-brother, stepsister or in-law. A councilmember or other officer, employee or family member shall be deemed to have a substantial financial interest in the affairs of:

1) A firm, partnership, association or governmental entity (other than the city) of which such councilmember, officer, employee or family member is a member or employee;
2) A corporation of which such officer, employee or family member is an officer, director or employee or in which he or she owns (either directly or beneficially) a controlling interest. The city council shall, by resolution, approve all transactions covered in this section. (Ordinance 21-06-15-01)

2.06.090 Disclosures of Conflicts by Municipal Employees.

A. A councilmember or employee of the city shall disqualify himself or herself from
B. participating in any official action in which he or she has a substantial financial interest.
C. A municipal employee who is involved in a matter that may result or has resulted in a violation of sections 2.06.010—2.06.080 shall:

1) Refrain from taking any official action relating to the matter until a determination is made under this section; and
2) Immediately disclose the matter in writing to the Mayor or Vice Mayor. (Ordinance 21-06-15-01)

2.06.100 Disclosures of Conflicts by Municipal Officers other than Employees.

A. A municipal officer other than an employee, who is involved in a matter that may result in a violation of sections 2.06.010—2.06.080 shall disclose the matter on the public record and ask to be excused from the discussion and official action on that matter.
B. The presiding officer shall determine whether the member's involvement would violate sections 2.06.010—2.06.080.
C. If the presiding officer determines that a violation would exist if the member continued to participate, the member shall refrain from voting, deliberating, or participating in the matter.
D. The presiding officer's decision may be overridden by a majority vote of the body.
E. A City Council member or a member of any board or commission shall, whenever practical, request guidance, which may include a written advisory opinion, from the City Attorney when determining whether a member is involved in a matter that may result in a violation of sections 2.06.010—2.06.080. (Ordinance 21-06-15-01)

2.06.110 Third Party Complaints of Violations and Potential Violations.

Any person may file a complaint with the mayor, under oath and in writing, of a violation or potential violation of sections 2.06.010-2.06.080 by a municipal officer. In the case of the alleged violation being conducted by the mayor, the person may file the complaint with the Vice Mayor. The Mayor or Vice Mayor will provide a copy to the city attorney and to the municipal officer. (Ordinance 21-06-15-01)

2.06.120 City Attorney's Advisory Opinions.

A. Upon the written request of The Mayor, City Administrator, or City Clerk, the City Attorney shall issue an advisory opinion interpreting this chapter. The requester shall supply any additional information requested by the City Attorney in order to issue the opinion.

B. The City Attorney may offer oral advice if delay would cause substantial inconvenience or detriment to the requester. Within two working days after providing the oral advice, the City Attorney shall provide a brief written statement summarizing its contents.

C. The City Attorney may reconsider, revoke, or modify an advisory opinion at any time.

D. A request for advice made under subsection (a) of this section is confidential to the extent permitted by law unless the subject of the opinion waives confidentiality and authorizes in writing the release of the request or the full text of the advisory opinion. (Ordinance 21-06-15-01)

CHAPTER 2.07 - CODE OF ETHICS

2.07.010 Policy

A. Purpose. The Thorne Bay City Council has adopted a Code of Ethics for members of the City Council to promote public confidence in the integrity of local government and its fair operation. This Code of Ethics will provide the basis for education and training for Council Members; both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

B. Intent. The citizens and businesses of Thorne Bay are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. The City Council is committed to upholding the City of Thorne Bay Core Values which state:

1) We will provide excellent public service and ensure the safety and wellbeing of our community and one another through the empowerment of each employee. We value integrity, inclusiveness, stewardship and communication.

a) Integrity: We hold ourselves to the highest standard of professionalism and ethical conduct.

b) Inclusiveness: We embrace and value different perspectives as we work together for the common good.

c) Stewardship: We ensure the public's resources are used responsibly to provide the greatest benefit.

d) Communication: We will listen and engage in an open, honest and timely exchange of information.

2) We are accountable to our community for innovation and collaborative efforts that anticipate needs, leverage resources and deliver solutions.

C. In keeping with the City of Thorne Bay's commitment to excellence, the effective functioning of democratic government therefore requires that:

1) Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;

2) Public officials be independent, impartial and fair in their judgment and actions;

3) Public office be used for the public good, not for personal gain; and

4) Public deliberations and processes be conducted openly, unless allowed to be confidential by statute or other law, , in an atmosphere where all persons conduct themselves with respect and civility. (Ordinance 21-06-15-01)

2.07.020 Ethical Standards

In addition to Section 2.07.010 of the Code of Ethics, which shall be administered by the Ethics' Committee, officials are also required to comply with the following standards:

A. Compliance with Other Laws. Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to:

1) the United States and Alaska Constitutions;
2) laws pertaining to conflicts of interest,
3) election campaigns,
4) financial disclosures and open processes of government; and
5) city ordinances and policies.

B. No official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee.

C. No official may use or authorize the use of the facilities of the City for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

D. Working for the Common Good. Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Thorne Bay and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the City Council. Officials need to be mindful that making special requests of staff - even when the response does not benefit the official personally - puts staff in an awkward position. Questions for city staff members shall be submitted to the Mayor or City Administrator who will then coordinate with staff to provide a response.

E. Respect for Process. Officials shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by city staff.

F. Commitment to Transparency. Transparency, openness, and accountability are fundamental values of the city and are also required by the laws of the state of Alaska. The public has a right to inspect public records unless exempt by law or privacy policies from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email, text messages and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the City complies with the record retention schedules. Officials shall promptly provide any records requested by the public records officer in response to a disclosure request

under the Public Records Act. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of "public record" and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

G. Conduct of Public Meetings. Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

H. Decisions Based on Merit. Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

I. Attendance. Attendance at regular council meetings by Council Members is required absent being excused per 2.04.100. A Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council.

J. Advocacy. When acting in an official capacity as a city official representing the City, officials shall represent the official policies or positions of the City Council, to the best of their ability when the City Council, has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Thorne Bay, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. Endorsements during council meetings, board/commission meetings, or other official city meetings are prohibited.

K. Policy Role of Officials. Officials shall respect and adhere to the Strong Mayor structure of Thorne Bay city government. Except as provided by state law, officials shall not interfere with the administrative functions of the City or the professional duties of city staff; nor shall they impair the ability of staff to implement Council policy decisions. (Ordinance 21-06-15-01)

2.07.030 ETHICS COMMITTEE

A. The City Council creates the office of the Ethics' Committee. The Ethics' Committee will be comprised of three qualified voters of Thorne Bay, appointed by the City Council.

B. The Ethics' Committee will interpret and apply the council code of ethics to complaints submitted to the Officer. The Ethics Committee will be appointed solely with regard to their qualifications for the duties of the office which shall include, but not be limited to, appropriate educational and legal experience. The Ethics' Committee, in addition to other duties, may recommend changes or additions to this Council Code of Ethics to the City Council.

C. The Mayor, City Administrator and, if necessary, City Attorney will interview applicants who respond to the City's Request for Appointment for the Ethics Committee. The Interviewing Committee will forward three candidates to the full City Council for review and appointment by a majority vote of the Council. (Ordinance 21-06-15-01)

CHAPTER 2.08 - MAYOR SECTIONS:

2.08.010 POWERS--DUTIES.

A. The mayor shall be elected from the council by the voters. The term of the office of mayor shall be two years or the remainder of the term of the council seat, whichever is less, beginning on the first Monday following the certification of the general election and ending on the first Monday following certification of the general election, except when the mayor is in the first year of his/her two-year term. The mayor is the chief executive officer of the city. He shall preside at council meetings, act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization or as otherwise authorized by municipal code.

B. The mayor shall:

1. Appoint city employees and administrative officers, except as provided otherwise. He may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend or remove subordinates in his department;
2. Suspend or remove by written order city employees and administrative officers, except as provided otherwise;
3. Supervise enforcement of city law;
4. Prepare the annual budget and city construction program for the council;
5. Execute the budget and construction program as adopted;
6. Make monthly financial reports to the council on city finances and operations;
7. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
8. Prepare and make available for public distribution an annual report on city affairs;
9. Serve as city personnel officer unless the council authorizes him to appoint a personnel officer;
10. Execute other powers and duties specified in as title 29 or lawfully prescribed by the council.

(Ord. 03-05-15-01 §4, 2003; ord. 96-23 §3, 1996: ord. 89-24 §5(part), 1989; prior code Ch. 5 §1)

2.08.020 VICE MAYOR.

The council shall meet on the first Monday after certification of each mayoral election or general election on non-mayoral election years and shall elect a councilmember to serve as Vice Mayor. The term of the office of Vice Mayor shall be annual, beginning on the first Monday after certification of the general election. Should the mayor be temporarily absent, disabled or unable to act, the Vice Mayor shall preside at council meetings and sign documents on the city's behalf, upon council authorization or as otherwise authorized by municipal code, until the mayor resumes his official duties. (Ordinance 22-07-05-01; Prior Ord. 05-09-06-04; Ord. 96-23 §5(part), 1996)

2.28.025 MAYORAL PRO-TEMPORE.

On mayoral election years, the council shall meet on the first Monday after certification of the general election and shall appoint one councilmember to serve as mayor pro tempore. The mayor pro tempore takes office immediately and shall exercises the powers and duties of mayor until the permanent mayor takes office. (Ordinance 22-07-05-01)

2.08.030 VACANCY IN OFFICE OF MAYOR, VICE MAYOR.

A. The council shall, by two-thirds concurring vote, declare the office of mayor vacant only when the person elected:
   1. Fails to qualify or take office within thirty days after election or appointment;
   2. Unless excused by the governing body, is physically absent for ninety consecutive days;
   3. Resigns and the resignation is accepted;
   4. Is physically or mentally unable to perform the duties of office;
   5. Is convicted of a felony or of an offense involving a violation of the oath of office;
   6. Is convicted of a felony or misdemeanor described in as 15.56;
   7. Is convicted of a violation of as 15.13;
   8. No longer physically resides in the city;
   9. Misses three consecutive regular council meetings and is not excused.

B. Should the office of mayor be declared vacant, the Vice Mayor shall be designated mayor, and shall serve until the next general election. The office of Vice Mayor shall then be vacant.

C. The council shall otherwise declare the office of Vice Mayor vacant according to Section 2.04.100 of this code.

D. Should the office of Vice Mayor be declared vacant; a new Vice Mayor shall be appointed by and from the council and shall serve the balance of the term to which appointed.

E. Should both mayor and Vice Mayor be temporarily absent, disabled or unable to act, the council may appoint a member to preside at council meetings and sign documents on the city's behalf, upon council authorization or as otherwise authorized by municipal code, until either the mayor or Vice Mayor resumes his official duties. (Ord. 96-23 §5(part),1996; Ordinance 05-09-06-04)

2.08.035 MAYORAL ELECTION TIME.

The Mayoral Election shall be held on the Tuesday after the First Monday in November every two years. (Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; ORD. 96-24 § 4(PART), 1996)

2.08.040 COMPENSATION.

The mayor of the city shall receive compensation at the rate of five hundred dollars ($500.00) a month in addition to the rate of one hundred ($100.00) dollars for each regular meeting of the council attended. No compensation shall be paid for attending special meetings of the council. (Ord. 89-24 §5(part), 1989) (Ordinance 05-09-06-02) (Ord 09-09-15-02)

CHAPTER 2.12 - ORDINANCES, RESOLUTIONS AND TECHNICAL CODES

2.12.010 ACTS OF COUNCIL.

The council shall act only by ordinance, or resolution. Law of a general, uniform and permanent nature shall be reduced to ordinance. When the council expresses opinions, principles, facts or propositions, it shall be in the form of a resolution. (Prior code Ch. 3 § 1)

2.12.020 ACTS REQUIRED TO BE BY ORDINANCE.

In addition to other actions which Alaska Statutes Title 29 (Municipal Government) requires to be by ordinance, the council shall use ordinances to:

A. Establish, alter or abolish municipal departments;

B. Amend or repeal an existing ordinance;

C. Fix the compensation of members of the council;

D. Provide for sale of city property valued at more than twenty-five thousand dollars;

E. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

F. Provide for levying of taxes;

G. Make appropriations and supplemental appropriations or transfer appropriations;

H. Grant, renew or extend a franchise;

I. Regulate the rate charged by a public utility;

J. Approve the transfer of a power to a borough;

K. Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map. (Prior code Ch. 3 § 2)

2.12.030 ORDINANCE PROCEDURE.

A. An ordinance is introduced in writing in the form required by the city council.

B. The following procedure governs the enactment of all ordinances, except emergency ordinances:

1. An ordinance may be introduced by a member or committee of the city council, or by the mayor;
2. An ordinance shall be set by the council for a public hearing by the affirmative vote of a majority of the votes authorized on the question;

3. At least five days before the public hearing a summary of the ordinance shall be published together with a notice of the time and place for the hearing;
4. Copies of the ordinance shall be available to all persons present at the hearing, or the ordinance shall be read in full;
5. During the hearing the council shall hear all interested persons wishing to be heard;
6. After the public hearing the council shall consider the ordinance, and may adopt it with or without amendment;
7. The council shall print and make available copies of the ordinance that is adopted.

C. An ordinance takes effect upon adoption or at a later date specified in the ordinance.

D. As used in this section, the term "publish" means either placement in a newspaper of general circulation in the city or posting in three public places in the city, or both. (Ord. 88-24 § 5, 1988)

2.12.40 ORDINANCE FORM AND CONTENT.

All ordinances enacted by the council shall be substantially the following form:

A. The proposed ordinance shall have a heading and number;

B. Title. A short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance.

C. Enacting Clause. The enacting clause shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF THORNE BAY:".

D. Substantive Part of the Ordinance. The provisions of the ordinance will follow the enacting clause.

E. Signatures. Appropriate places shall be provided for the signatures of the mayor and the clerk.

F. Attestation. The enactment and passage date of the ordinance shall be attested by the clerk.

G. Code Section Numbers. Ordinances which amend, add to or repeal sections of the Thorne Bay Ordinance Code shall refer to the code sections by number. (Prior code Ch. 3 § 4)

2.12.050 EMERGENCY ORDINANCES

A. To meet a public emergency the council may adopt ordinances effective on adoption. Every emergency ordinance must contain a statement by the council of why an emergency exists and a statement of the facts about the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced.

The affirmative vote of all members present or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The council must print and make available copies of adopted emergency ordinances.

B. An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.

C. Emergency ordinances are effective for sixty days. (Prior code Ch. 3 § 5)

2.12.060 SIGNATURE REQUIRED.

Each ordinance shall be signed by the mayor at its adoption and attested by the clerk. (Prior code Ch. 3 § 6)

2.12.070 ORDINANCES CONFINED TO SINGLE SUBJECT.

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title. (Prior code Ch.3 § 7)

2.12.080 ADOPTION OF TECHNICAL CODES.

The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need to be distributed to the public or read in full at the hearings. For a period of fifteen days before adoption of the regulations at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council may sell the adopted code to the public. (Prior code Ch. 3 § 9)

2.12.090 RESOLUTIONS-FORMAL ACTS.

Formal acts by the council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution.

A resolution shall have:

A. The heading "City of Thorne Bay, Alaska";
    1. The space for a number to be assigned-"resolution, no. ";
    2. A short and concise title descriptive of its subject and purpose;
B. Short premises or whereas clauses descriptive of the reason for the resolution, if necessary;
    1. The resolving clause "BE IT RESOLVED:";
C. Provision for signature after the date, the designated lines for the signatures of the mayor and clerk; and
    1. An attestation.
B. All resolutions adopted by the council whether at the request of a third party, or on the motion of the council, shall conform to the requirements set forth in subsection A of this section.
C. Resolutions shall not be included in any municipal code of ordinances. (Prior code Ch. 3 § 10)

2.12.100 RESOLUTIONS-PROCEDURE.

A. Every resolution shall be introduced in writing and shall be orally read if requested before any vote for passage is taken.
B. On any vote to pass the resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments.
C. After adoption, every resolution shall be posted in full on the city bulletin board. Every resolution, unless it shall specify a later date, shall become effective following adoption. If the resolution is submitted at a city election when state law requires, then after a majority of favorable votes of the city voters has been certified by the council, the resolution may be adopted. (Prior code Ch. 3 § 11)

2.12.110 RULES AND REGULATIONS.

Any rule or regulation made by any administrative officer or board or commission shall be posted for ten days following its approval by the city council in three public places. (Prior code Ch. 3 § 12)

CHAPTER 2.14 CITY ADMINISTRATOR:

2.14.010 APPOINTMENT.

The city administrator shall be appointed by the council. The council may enter into an employment contract with the city administrator not to exceed three years in length, setting compensation and other terms of employment. Contract may be renewed by the City Council in three-year increments.

(Ord. 01-11-15-02 § 5, 2001: Ord. 98-01 § 3(part), 1998) (Ord. 13-04-02-01)

2.14.020 QUALIFICATIONS.

The city administrator shall be appointed based on his or her executive and administrative qualifications, with particular reference to education, training, and experience as a municipal administrator. The council by ordinance may set forth specific qualifications.

(Ord. 98-01 § 3(part), 1998)

2.14.030 SUSPENSION AND REMOVAL.

The city administrator serves at the pleasure of the council. Subject to the terms of any employment contract with the city administrator, the council may suspend or remove the city administrator at any time for any reason the council deems appropriate.

(Ord. 01-11-15-02 § 6, 2001: Ord. 98-01 § 3(part), 1998)

2.14.040 ACTING ADMINISTRATOR.

If the city administrator is absent from the municipality (outside of excused absence) or is unable to perform his or her duties, if the council suspends the city administrator, or if there is a vacancy in the office of city administrator, the council may appoint an acting administrator to serve until the city administrator returns, until his or her disability or suspension ceases, or until another city administrator is appointed. The council shall replace the acting administrator with a city administrator within a reasonable time.

(Ord. 98-01 § 3(part), 1998)

2.14.050 POWERS AND DUTIES.

Acting through powers delegated by the mayor, the city administrator shall serve as the chief administrative officer of the municipality. He or she shall execute the provisions of this code and all other applicable laws. Without limiting the foregoing or excluding other or broader powers consistent therewith, and acting at all time under the delegation and supervision of the mayor, the city administrator shall:

A. Hire, supervise, discipline, and evaluate all city employees, and volunteers, with the exception of the City Clerk and Finance Department, or further delegate this authority in a given case;

B. Direct the care and custody of municipal property;

C. Direct and supervise the construction, maintenance, and operation of municipal public works;

D. Prepare and submit the annual budget and capital improvements program to the council;

E. Keep the mayor and council fully advised concerning the financial condition and needs of the city;

F. Apply for state, federal or other grants and, upon the mayor's approval of the project or the council's appropriation, therefore, execute and carry out the terms and condition of such grant agreements;

G. Establish rates, fees, or charges for services, leases, and programs provided or administered by the city except where such rates, fees, or charges have been established by the mayor or the council or the authority to establish such rates, fees or charges has been delegated to a board or other body; and

H. All other duties assigned by the mayor or council.

(Ordinance 20-04-21-01; Sec 2.14.050; § A(part), D(part)); (Ord. 98-01 § 3(part), 1998) (Ord. 13-04-02-01)

CHAPTER 2.16 CITY CLERK/TREASURER SECTIONS:

2.16.010 APPOINTMENT-TERM.

The city clerk shall be hired by the council. He shall hold office at the pleasure of the council. (Prior code Ch. 8 § 1)

2.16.020 CITY CLERK-DUTIES.

A. The city clerk shall:
   1. Attend meetings of the governing body and its boards and committees as required and keep the journal;
   2. Have custody of the official municipal seal;
   3. Assure that notice and other requirements for public meetings are complied with and assure that public records are available for public inspection as required by law;
   4. Manage municipal records and develop retention schedules and procedures for inventory, storage and destruction of records as necessary;
   5. Maintain an indexed file of all permanent municipal records, provide for codification of ordinances, and authenticate or certify records as necessary;
   6. Prepare agendas and agenda packets as required by the governing body;
   7. Administer all municipal elections;
   8. Assure that the municipality complies with 42 U.S.C. 1971-1974 (Voting Rights Act of 1965, as amended);
   9. Take oaths, affirmations and acknowledgements as necessary;
   10. Act as the parliamentary advisor to the governing body;
   11. Perform other duties required by law, the governing body or the chief executive officer.

B. The council may combine the office of clerk with that of treasurer.
(Ord. 93-01 § 4(part), 1993: prior code Ch. 8 § 2)

2.16.030 CITY CLERK-ADDITIONAL DUTIES.

A. The city clerk shall record and certify all actions of the council.
B. The city clerk shall attest deeds and other documents.
C. The city clerk shall give the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.
D. The City Clerk shall assume the powers and duties of the City Administrator during his or her excused absence from the municipality. (Ord. #13-04-02-02 (Prior code Ord. 93-01 § 4(part), 1993: prior code Ch. 8 § 3)

2.16.040 ACTING CLERK.

In case of the temporary absence of the city clerk, the council may appoint an acting city clerk, with all the powers and obligations of the city clerk.

2.16.050 TREASURER-DUTIES.

A. There shall be a city treasurer who shall be hired by the council. The city treasurer shall hold office at the pleasure of the council.
B. The treasurer is the custodian of all city funds. The treasurer shall keep an itemized account of money received and disbursed.
C. The treasurer shall have bond to the municipality in an amount set by the council.
D. The city clerk shall perform the duties of treasurer. (Ord. 98-01 § 3(part), 1998: prior code Ch. 8 § 5)

2.16.060 TREASURER-ADDITIONAL DUTIES.

The treasurer shall:

A. Be responsible for all matters pertaining to the maintenance of all accounts of the city, and the maintenance and care of all property used by the city;
B. Compile the annual budget of the city based upon detailed department estimates and work programs and control it under direction of the mayor;
C. Prepare and submit to the mayor and council such financial reports and other data as may be required;
D. Perform such other duties as the mayor or council may require. (Prior code Ch. 8 § 6)

2.16.070 TREASURER.

A. The treasurer shall be responsible for the collection, custody and disbursement of all moneys from whatever source.
B. Operating cash shall be kept in one financial institution to be designated by resolution.
C. The treasurer shall invest city money upon directive of the council in any of the following types of investments:
    1. Bonds, notes or other obligations;
    2. Certificates of deposit or saving accounts of any bank;
    3. Equities: common or preferred, American depository receipts, or real estate investment trusts.

D. The city council of the city may delegate investment, custodial, or depository authority on a discretionary or nondiscretionary basis to independent firms, banks, financial institutions, broker-dealers, investment advisors, or trust companies by designation through appointments, contracts, or letters of authority. (Ord. 99-11 § 4, 1999; Ord. 96-35 § 3, 1996: prior code Ch. 29 § 1)

2.16.080 ACCOUNTING.

A. All accounting functions for all city departments and offices, are the responsibility of the treasurer.

B. The treasurer shall provide on a monthly basis to the council the following statements:
    1. Summary statement of cash receipts and disbursements;
    2. Reconciliation statement, banks, investments, funds;
    3. Statement of expenditures compared with appropriations.

CHAPTER 2.20 CITY ATTORNEY SECTIONS:

2.20.010 APPOINTMENT.

There may be a city attorney who shall be appointed by the council. He shall hold office at the pleasure of the council.

(Prior code Ch. 9 § 1)

2.20.020 DUTIES.

The city attorney may:

A. Be charged with the performance of all legal services of the city, including those of legal advisor to the council, the mayor and to all departments and offices of the city;

B. Upon the request of the city council, take the necessary steps to arrange for the prosecution of violations of the city ordinances;

C. Represent the city in all matters, civil and criminal, in which the city is interested;

D. Draft any ordinance when required by the city council or mayor;

E. Perform such other duties as may be required by the city council or the ordinances of the city;

F. Attend meetings of the city council;

G. Report to the city council promptly all suits brought against the city;

H. Call to the attention of the city council and the mayor all matters of law affecting the city;

I. Render all opinions in writing, as far as is practicable;

J. Maintain a record of all of his opinions rendered and turn such record over to his successor in office. (Prior code Ch. 9 § 2)

CHAPTER 2.24 OFFICERS AND EMPLOYEES

2.24.010 PURPOSE.

A. The purpose of this policy is the establishment of uniform procedures to assist personnel administration in the city. The provisions of this chapter do not apply to officers or employees who serve at the pleasure of the council, except as specifically provided by ordinance or resolution.

B. The city of Thorne Bay, hereinafter the city, shall maintain merit principles, so the employees shall be selected, appointed, and promoted from the most qualified, regardless of personal connections, political affiliations, race, religion, sex or age. The city further recognizes the following merit principles:

1. Adequate training and instruction to assure high quality performance;
2. Fair and just compensation comparable with earnings and benefits being received elsewhere in this area for similar kinds of work;
3. Protection from political coercion from public officials attempting to affect the result of an election or nomination for office;
4. Reasonable work rules ensuring discipline, suspension, demotion, or termination for just cause only;
5. A pleasant work environment to control waste and inefficiency, ensure the quality of work, enhance morale, minimize turn-over and generate good will. (Ord. 01-11-15-02)

2.24.020 HIRING POLICY.

A. Hiring. Hiring and evaluation of city employees shall be made on the basis of merit and fitness.

B. Discrimination. There shall be no discrimination in the employment procedure, including appointment, promotion, demotion, suspension, or termination on the basis of race, color, religion, political affiliation, national origin, sex, age, handicap, familial status, or other non-merit reasons.

C. Job Announcements.

1. In order to attract qualified candidates for job vacancies in the city the mayor shall issue job announcements and post them in public places as well as advertising them in the most suitable newspaper, trade journals and publications. The job announcements shall include, but not be limited to, such information as a

statement of the job title, description of duties and responsibilities, salary range, job qualification requirements and the applicable procedure. Publicity for job vacancies shall be posted in a sufficient period of time to ensure reasonable opportunity for persons to apply and be considered for employment. In any event, job vacancies shall be formally announced at least thirty calendar days prior to the closing date for filing applications.

2. The requirements in subsection (C)(1) of this section are not mandatory whenever employees other than permanent employees are being sought.

D. Application Forms. All applications for employment shall be made on forms prescribed by the city council. Such forms shall require background information to include training, experience and other pertinent information. All applications must be signed by the applicant. Failure to do so will nullify the application. Application forms shall not ask for any information prohibited by state or federal law.

E. Rejection of Applications. The mayor may reject any application which indicates that the applicant does not have the minimum qualifications which have been established for the position. Applications may also be rejected if the applicant:

1. Has deliberately falsified any information on the application form;
2. Is unable to meet the physical or other requirements which have been demonstrated as necessary to perform the position;
3. Does not meet the legal age limit or other requirements as established by state or federal law;
4. Has established an unsatisfactory employment record of such a nature to demonstrate unsuitability for the position.

F. Nepotism. No person may be employed, either permanently or temporarily, in a position supervised by a family member. For the purposes of this section, "supervised" pertains to all department supervisors: the city clerk/treasurer and his/her subordinates; and the city administrator, manager, mayor and mayor pro-tem in the performance of their supervisory duties over all city employees. If an employee and his or her supervisor marry, they shall determine who will resign. "Family member" means spouse, father, mother, brother, sister, child, step-parents, step-children, step-brother, step-sister, or in-law. The city council, by resolution, may provide for exceptions on a case-by-case basis.

G. Promotion. When well qualified individuals are available, appointments to fill vacancies shall be by promotion from within the municipal services.

H. Minimum Age. Minimum age for municipal employment shall be in accordance with state law. (Ord. 01-11-15-03 § 4(part), 2001; Ord. 96-07 § 3(part), 1996: Ord. 94-11 § 5(part), 1994; Ord. 87-05, 1987; Ord. 8201-2 § 2, 1986; prior code Ch. 36 §§ 2, 4)

2.24.030 EMPLOYMENT.

A. Permanent Employees. Permanent appointments are made to positions which are considered to be part of the regular complement work force needed to perform municipal services.
    1. Full-time. Where the work week is forty hours on a regular basis;
    2. Part-time. Where the work is done during a portion of a workday, work week, or work year, and totals at least twenty hours but less than forty hours a week on a regular basis;
    3. Short-hours employee. Where the work is done on a predetermined schedule of less than fourteen (14) hours per week on a regular basis.

B. Temporary Employees. Temporary employees are employees hired on an interim replacement basis, or for temporary work, on a predetermined work schedule with a termination date established upon hire. A temporary employee may be separated from city service demoted or suspended without cause in the full discretion of the mayor or the city administrator. If employees hired on a temporary basis become permanent employees, they are entitled to sick leave and annual leave accruals retroactive to their date of hire.

C. Probationary Employees. A probationary employee is an employee that is considered a part of the complement needed for performing city services but without permanent status. All appointments and promotions to positions in the city, as well as former employees who are rehired, shall be on a probationary basis of six months. During the probationary period, an employee may be terminated, and a promoted employee returned to the previously held position from which he was promoted, or an equivalent one, at the discretion of the mayor. The employee may be dismissed or demoted during this period of probation at any time without right of appeal or hearing. Probationary employees shall not be entitled to benefits, including but not limited to annual leave, health insurance, life insurance, or the city's retirement program. Upon successful completion of probationary period (six months) full benefits will be available.

D. Project Employees. Project employees are employees hired, appointed or who volunteer for a specific project or position which is not considered to be part of the regular complement work force needed to perform municipal services. Project employees shall be hired and operate pursuant to terms and conditions approved by

the mayor. Project employees may be separated from city service, demoted or suspended without cause in the full discretion of the mayor or the city administrator without right of appeal or hearing. The provisions of Section 2.24.080 do not apply to project employees. Project employees shall not be entitled to benefits, including but not limited to annual leave, sick leave, eectrs, health insurance, life insurance, or the city's retirement program. Project employees shall be entitled to benefits required by State or Federal law including Worker's Compensation, Unemployment Insurance, Medicaid and Social Security withholding. Project employees shall not be considered for hire, appointment or volunteer until the person's accounts with the city are made current. The City Council will consider financial or other hardships.

E. Pay Period. Employees shall be paid every two weeks.

F. Workday. The regular workday shall consist of eight working hours. An unpaid lunch break of one hour shall be allowed.

G. Work Week. A regular work week shall consist of a total of forty hours.

H. Exceptions. The nature of certain positions may dictate terms of hire which are exceptions to the general rules. The employee will be fully informed of these exceptions at the time of hire.

I. Holidays. The following days shall be recognized as holidays with full pay for all permanent and probationary employees who are in pay status before and following said days:

- New Year's Day January 1st
- Martin Luther King Day Third Monday in January
- President's Day, As observed nationally
- Seward's Day, Last Monday in March
- Memorial Day, Last Monday in May
- Fourth of July, July 4th
- Labor Day, First Monday in September
- Alaska Day, As observed by the State of Alaska
- Veteran's Day, November 11th
- Thanksgiving Day, fourth Thursday in November
- Half-day Christmas Eve, 12 p.m. of December 24th
- Christmas Day, December 25th

Full pay for employees is defined for the purpose of this section as:

- Permanent and probationary employees

  . Full time employees will receive 8 hours holiday pay

  . Part-time will receive 4 hours of holiday pay.

When a holiday falls on a Sunday, the following Monday will be observed as the holiday.

When a holiday falls on a Saturday, the preceding Friday will be observed as a holiday.

J. Outside Occupations or Activities. Occupations or outside activity which are incompatible with employment by the city, or adversely affect the performance of municipal duties is discouraged. The mayor may, after notice to the employee, and after unsatisfactory resolution of the matter, terminate the employee.

K. Employee Performance Recognition. The mayor shall be responsible for counseling employees and informing them of unsatisfactory performance. Employees who are performing in a superior manner should also be informed of their job performance, in writing. Such reports of unsatisfactory, acceptable, or superior performance shall be documented by memorandum and initialed or signed by the mayor before being included in the employee's personnel file.

1. Gifts, Gratuities and Considerations.
2. An employee shall not accept a gift, gratuity, consideration, or extraordinary favor from any person doing business or likely to do business, with the city and shall immediately report to the city council any offer, promise or suggestion that such a gift may be made.
3. Any person either offering or receiving such gratuity consideration or extraordinary favor is subject to criminal penalties prescribed in AS 11.56.110 and 11.56.120. This section does not apply to the giving of gifts received from an employee's family or ordinary circle of friends when not offered for a corrupt purpose.

L. Personal Hygiene. An employee shall report to work clean and well groomed.

(Ord 17-12-05-01; § (a)(3); Prior Ordinance 11-11-15-01; Ord. 10-01-19-02, Prior Ord. 94-11 § 5(part), 1994; Ord. 89-07 § 4, 1989; Ord. 88-25 § 4, 1988; Ord. 8201-2 § 3, 1986) (Ordinance 17-12-05-01)

2.24.040 TRAVEL AND PER DIEM ALLOWANCE

A. Per Diem. While traveling on official business and away from home or designated posts of duty overnight, an employee shall receive a per diem allowance of an amount to be determined by the DOD per diem rates calculator for Alaska. The amount will be dependent upon the area to which the employee is traveling.

B. Travel. In addition to the overnight per diem reimbursement for meals and lodging in connection with approved travel, there shall be allowed at the following rate:

1. By common carrier fare, or the cost of charter or other special hire, if essential, and other similar fares as necessary for the efficient performance of official duties. No reimbursement shall be allowed for more than the lowest tourist class fare for the most direct route unless the tourist class accommodations were not available; or

2. By private vehicle at a rate determined by the GSA / IRS Mileage Reimbursement Rates. The rate will be determined by the type of vehicle and availability of a government owned vehicle as set forth in the most recent schedule.
3. Reimbursement for rental vehicles shall be preapproved by the Mayor or City Administrator. (Ordinance 21-12-21-01; Prior Ord. 8201-2 § 4, 1986)

2.24.050 SUSPENSION, DEMOTION AND TERMINATION.

A. Suspensions. Any employee may be suspended at any time for just cause. Suspension without pay may not exceed thirty days in any twelve-month period.

B. Exoneration. If exonerated of the charge against him or her, the employee will be reinstated with pay from the time of suspension.

C. Demotion and Termination. An employee may be demoted or terminated for incompetence, inefficiency, inability to perform duties for which the employee was hired, failure to keep current on any accounts held with the City (i.e., utilities, lease payments, rents, sales tax, phone, fees, etc..), or for similar just cause. An employee may be dismissed for insubordination, habitual tardiness, use of intoxicating liquor, narcotics or dangerous drugs on duty, or for similar just cause.

D. Layoffs. When it is necessary to reduce the number of employees because of lack of work or funds, the mayor shall make a thorough investigation of the problem. The analysis of the proposed layoffs will be presented by the mayor to the city council. The mayor shall explain the types of activities to be curtailed and the positions affected. Consideration shall be given to the employee's length of service, but, more importantly, to the quality of service rendered to the city. Employees thus separated from city service, through no fault of their own, shall be given preference when new appointments are made, for the period of one year immediately following that employee's separation of service.

E. Resignations. All resignations shall be in writing and must be filed with the city administrator. The administrator shall furnish a copy of the accepted resignation to the employee for his or her records.

F. Final Pay. An employee who has resigned will be paid in full on the next regular pay day. An employee, who is being terminated, shall be paid in full on the day of employment termination.

G. Progressive Discipline.

1. A municipal employee, under the Fair Labor Standard Act, may be disciplined in areas relating to defective work, job performance, safety, lateness, housekeeping, disobedience, or failure to adhere to rules, regulations and procedures.
2. If in the opinion of the mayor, disciplinary action is necessary with respect to the above situations, the mayor or mayor's designee may begin disciplinary action in any of the steps listed below, depending on the seriousness of the offense committed.
    a) Verbal Warning. A verbal warning is to be given explaining to the employee what he/she did wrong and what must be done as a corrective measure. The employee must also be advised that if there is a repetition, a written reprimand will be given.
    b) Written Reprimand. A written reprimand is to be issued if there is repetition of the infraction within a six-month period for which the verbal warning was given. Written reprimand may also be issued for a more serious first-time infraction in the discretion of the mayor or mayor's designee. Receipt of a written notification for delinquent accounts constitutes a written reprimand.
    c) Suspension. Repetition of infraction after a written reprimand within a further six-month period will result in suspension without pay. Suspension without pay may also be issued for a more serious first-time infraction in the discretion of the mayor or mayor's designee.
    d) Termination. A further repetition of the infraction will result in termination from city service. Termination may also be issued for a more serious first-time infraction in the discretion of the mayor or the mayor's designee.

H. A Verbal Warning or Written Reprimand. A verbal warning or a written reprimand may, at the mayor's discretion, be removed after a period of six months, providing there has not been a recurrence of the infraction.

I. Delegation of Disciplinary Authority. The mayor, as chief administrator, may delegate his/her authority under this chapter to the city administrative office. However, the mayor shall be kept apprised of any disciplinary action taken against any employee. (Ord. 96-07 § 3(part), 1996: Ord. 94-11 § 5(part), 1994: Ord. 8201-2 § 5, 1986)

2.24.060 ANNUAL LEAVE.

A. Permanent Full-time Employees. Permanent full-time employees shall accrue annual leave at the following rates: Four hours annual leave per pay period for the first three years of continuous city employment; five hours annual leave per pay period for the fourth and fifth years of continuous city employment; six hours annual leave per pay period for the sixth through ninth years of continuous city employment; eight hours annual leave per pay period for ten years or more of continuous city employment.

B. Permanent Part-time Employees. Permanent part-time employees shall accrue annual leave at 50% of the rates established for full time employees.

C. Permanent short-hours employees. Permanent short-hour employees shall accrue annual leave at 25% of the rates established for full time employees.

D. Temporary Employees. An employee appointed for a position of a temporary nature shall not accrue annual leave credit.

E. Leave-Without-Pay-Status. The mayor, or his/her designee, may grant leave-without-pay status to an employee at his/her request provided the mayor, or his/her designee determine the leave does not cause a hardship to the city. Such leave request must be made in writing and must be made at least four weeks in advance unless precluded by extenuating circumstances. An employee may not take leave without pay if the employee has accrued leave available for use. Leave without pay shall be classified in two categories:

   1. Short term up to 3 months that does not require the filling of that position. Under short term leave the employee may continue to receive benefits if granted as part of leave request.

   2. Long term leave over 3 months or requiring the filling of that position will be considered a termination which will include the termination of all benefits. An employee must exhaust all their earned vacation and sick leave before leave without pay is considered. Employees returning after long term leave will be given priority for any employment opportunities the city may have assuming the employee left in good standing.

F. Saturdays, Sundays and Holidays. While on annual leave, Saturdays, Sundays and holidays will not be considered as time taken on annual leave, but only regular workdays will be counted.

G. Pay During Annual Leave. If a payday falls during the annual leave of an employee, he/she shall be entitled to receive at the beginning of his/her annual leave the compensation due while on annual leave.

H. Authorization. The mayor, or his/her designee, shall authorize, in writing, annual leave requested by an employee.

I. Accumulation Limit. Up to two hundred and forty hours of annual leave time may be accrued. An employee shall forfeit any leave over two hundred forty hours.

J. Termination. Accrued annual leave time up to two hundred forty hours will be paid to employees who terminate their employment with the city after six months of service. Payment will be based on salary on date of termination.

K. Pay in lieu of time off. There shall be no pay in lieu of earned annual leave time except on termination of an employee. The mayor or mayor designee and city administrator may approve an exception to Payment in Lieu of Time off under extenuating circumstances not caused by employee.

L. Probationary Period. Unless authorized by the mayor, annual leave time may not be taken prior to six months of continuous service. Annual leave shall accrue from the date of employment.

M. Notice of Annual Leave. All employees shall serve at least two weeks' notice of anticipated annual leave to the mayor or his/her designee in writing and secure written permission for leaves.

1. Any employee that is approved for a draw for any amount will not be deducted in full in the upcoming paycheck, the employee will guarantee this amount by maintaining the full number of vacation hours at the amount necessary to pay back the draw if their employment should end prior to fulfilling their debt unless authorized by the mayor.
2. Any annual leave otherwise taken shall be deemed as unauthorized, and no vacation pay is permitted, and no other benefits shall accrue. Unauthorized annual leaves may be reason for termination.

N. Transfer or Donation of Annual Leave. Only under extenuating circumstances, may an employee donate a portion of his/her accrued annual leave to another employee.

1. Must be approved by the mayor or city administrator; and
2. Shall not be more than 80 hours of leave;
3. The annual leave rate shall be paid at the rate of that employee who is donating the time. (Ordinance 18-10-15-01; adding Subsection N; Prior Ord. 17-12-05-01; Prior Ord. 09-02-17-01 & Ord. 8201-2 § 6, 1986)

2.24.070 SICK LEAVE

A. Policy. All permanent full-time and part-time employees shall accrue and may use as accrued, sick leave on the basis of:

1. Permanent Full-time. Four hours per pay period;
2. Permanent Part-time. At 50% of the rates established for full-time employees.
3. Permanent Short-hours Employees. Permanent short-hour employees shall accrue sick leave at 25% of the rate established for full time employees.

B. Notification to Superior. Any employee absent due to illness or injury shall immediately notify the city offices within one hour after the normal time for reporting for duty, or as soon as possible. Failure to keep superior informed of expected return date may result in termination of employment.

C. Upon Separation. Upon his/her separation, the unused sick leave of the employee is automatically canceled without pay.

D. Accumulation. Sick leave accrued, but not used, shall accumulate until termination of employment. Upon the death of any employee, any unused sick leave in his/her account will be paid in cash to his/her beneficiaries at the employee's rate of pay at the time of death.

E. Availability of Sick Leave.

1. Sick leave shall be granted only in the following instances, or as otherwise deemed allowable by the mayor or his/her designee:

   a) Medical or Dental Appointments. An employee may be granted sick leave for medical or dental appointment for himself, herself, or immediate family.

   b) Illness or Injury. An employee may be granted sick leave for personal illness or injury where his/her presence on the job could jeopardize his or her health or that of fellow employees. An employee may be granted sick leave to attend to the injury or illness of a member of his or her immediate family.

   c) Death in the Family. An employee may be granted sick leave to attend the funeral of a member of his/her immediate or extended family.

2. Sick leave may not be paid in addition to work performed and paid for in excess of 40 hours per week.

   a) Example: Employee works Monday – Friday and logs 40 hours of work on his time sheet (Monday through Friday). He/she puts down 6 hours of sick leave for Saturday that same week. This employee will not be granted the use of 6 hours sick leave.

3. Doctor's or Nurse's Certificate. More than five consecutive days sick leave used may require a signed medical certificate.

4. Under certain circumstances, a permanent, non-probationary employee may be entitled to leave for family or medical matters under the Alaska Family Act and upon application for same.

F. Transfer or Donation of Sick Leave.

C. Only under extenuating circumstances, may an employee donate a portion of his/her accrued sick leave to another employee. In order to donate sick leave, the leave must be:

1. Approved by the mayor or city administrator; and
2. Employee receiving leave must have exhausted all available sick and annual leave and be on FMLA
3. Shall not be more than 80 hours of leave;
4. The sick leave rate shall be paid at the lesser rate of that employee who is either donating or receiving the time.

(Ordinance 19-12-17-02 adding Section H § 1-4 ; Prior Ord. 18-10-15-01; adding Subsection D & (f)(2)(i); prior Ord. 17-05-02-01; Prior Ordinances: 17-12-05-01; Ord. 96-07 § 3(part), 1996: Ord. 8201-2 § 7, 1986)

2.24.075-JURY AND COURT LEAVE.

The city supports the judicial system of the State of Alaska and United States of America. Employees serving jury duty or under a subpoena as a witness shall be entitled to judicial leave for required period of jury duty service or testimony. Judicial leave shall be supported by written documents such as a subpoena or statement of attendance from the Court. Employees shall continue to receive regular rate of pay for hours employees would have worked had the employee not been on judicial leave. (Ordinance 08-08-19-01)

2.24.080 GRIEVANCES.

A. Definitions.
   1. "Grievance" means an alleged violation, misapplication or misinterpretation of a specific provision of this personnel policy as adopted by the city council.
   2. "Grievant" means an employee of the city filing a grievance.

B. General Policy.
   1. The purpose of this procedure is to attempt to secure equitable solutions to grievances. All parties agree that these proceedings will be kept confidential and that the grievant and immediate supervisor should attempt to resolve the grievance at the informal level.
   2. The filing of a grievance shall in no way interfere with the right of the city to proceed in carrying out its management responsibilities subject to the final decision of the grievance.
   3. The filing of a grievance shall not reflect unfavorably upon the grievant, or upon the immediate supervisor with whom it may be filed.
   4. The employee and immediate supervisor shall have the right to include in grievance hearings such witnesses as they may deem necessary to develop facts pertinent to the grievance.

5. Once a grievance arising from a particular incident(s) or circumstance(s) has been resolved, another grievance based on that particular incident may not be filed.
6. An employee who fails to comply with the time limits shall forfeit all rights to apply the grievance procedure for the alleged violations. A grievance shall be initiated within ten days of the incident or circumstance giving rise to that grievance.

C. Steps for Handling Grievances. The grievance of any employee shall be handled in the following manner, each step to be taken only if a satisfactory resolution cannot be obtained at the previous level. Failure to follow the procedure and time limits outlined below will render the grievance invalid.

1. Informal Procedure Step One. Within ten days from the date of the incident or circumstance giving rise to the grievance, employee shall reduce the grievance into writing and submit the grievance to employee's immediate supervisor. Within five days from the supervisor's receipt of the written grievance, employee and the immediate supervisor shall meet to discuss the potential grievance and attempt to resolve it informally. The supervisor shall have five days from the date of the meeting to respond to the employee with a written decision.
2. Informal Procedure Step Two. In the event the employee is not satisfied with the decision at the first step of the informal procedure, the employee shall within five days from the date of receipt of the immediate supervisor's written decision, meet with the mayor to discuss the potential grievance in an attempt to resolve it informally. The mayor shall have five days from the date of the meeting to respond to the employee with a written decision.
3. Informal Procedure Step Three. In the event the employee is not satisfied with the decision at the second step of the informal procedure, the employee may request that the grievance be submitted to a mediator for voluntary grievance mediation. The employee shall have five days from the date of employee's receipt of the decision at the second step to request mediation. The procedure for the resolution of grievances through the voluntary grievance mediation process is as follows:
    a) Within five days from city's receipt of employee's request for mediation, city shall obtain a list of three impartial, professional mediators from the Alaska Dispute Settlement Association, or the successor or equivalent of that organization.
    b) Within five days after city's receipt of the list, employee and city shall meet and select one mediator from the list mutually acceptable to both. If no agreement can be reached, the parties shall select a mediator by lot. City shall place the mediator's names in a container and employee shall draw one name out of the container. The person whose name is drawn shall be the mediator. Mediation shall commence as soon as possible following the appointment of the mediator.

c) The mediator shall conduct a caucus according to generally accepted standards and procedures for grievance mediation. The mediator may meet with the parties jointly or separately in order to help them reach a settlement. Each party agrees to negotiate in good faith to attempt to resolve the grievance through mediation.

d) Any agreement reached on settlement of a grievance utilizing the mediation process shall be final and binding on the parties.

4. Informal Procedure Step Four. In the event no agreement can be reached on settlement of a grievance utilizing the mediation process, the grievance shall be reviewed by the city council whose decision shall be final and binding unless there is judicial review of the case.

5. Litigation. Litigation or other form of judicial review of a grievance shall occur only if the grievance cannot be resolved at the mandatory step one, step two, and step four informal procedure levels.

D. Expenses of mediation shall be borne by city, except for attorney's fees. Each party shall bear their own costs for attorney's fees incurred during any step of the grievance process. (Ord. 97-02 § 3, 1997; Ord. 96-07 § 3(part), 1996: Ord. 8201-2 § 8, 1986)

2.24.090 COMPENSATION.

A. Objective.
   1. To establish the framework for equal pay for work similar in nature, degree of difficulty or level of responsibility;
   2. To provide a means of rewarding city employees for continued good or outstanding service;
   3. To establish salary rates which compare favorably with those of other public and private employers in the area, subject to availability of funds;
   4. To provide administrative flexibility in recognizing differences among employees whose positions are the same but who differ in terms of quality and length of service rendered;
   5. To allow within the annual budget planning to give consideration to possible revision and amendment to the pay schedule;
   6. To allow employees completing the six-month probationary period to have their rate of pay reviewed.

B. Benefits (At the Option of the Employee).
   1. Employees who work thirty-two hours a week or more shall have eighty percent of life and health insurance paid by the city. The remaining twenty percent of life and health insurance premiums is to be deducted from employee's monthly wages.
   2. Permanent part-time employees shall have fifty percent of life and health insurance paid by the city. The remaining fifty percent of life and health insurance premiums is to be deducted from employee's monthly wages.

C. Overtime.
   1. Employees who work over forty hours per week shall be compensated at the rate of one and one-half their hourly rate.
   2. Employees, except employees specifically hired to work on holidays, who are authorized to work on stated city holidays will be compensated at the rate of usual holiday pay plus regular pay for each hour they work up to eight hours then at regular overtime rates for time worked over eight hours.
   3. Overtime must be pre-authorized in writing, by the city administrator or mayor.
   4. Overtime should not be requested, nor will it be authorized, except in extenuating circumstances, such as weather emergencies, facility emergencies, or schedule deadline requirements.
   5. Unauthorized overtime will be deemed insubordination, and no overtime pay will be permitted. Unauthorized overtime may be reason for immediate termination.

D. Pay Increases**.** The mayor may adjust an employee's rate of pay according to the quality of service rendered, length of service, and funding availability, in accordance with the most recent pay schedule adopted by resolution of the City Council. (Ordinance 18-10-15-01; adding Subsection C (3-5); Prior Ord. 03-08-21-01 §4, 2003; Ord. 94-11 §5(part), 1994: Ord. 8201-2 §9,1986), Ord. 09-02-03-01)

2.24.100 CONDUCT IN OFFICE--INVESTIGATIONS--OATH.

A. The council, the mayor, or any person or committee authorized by either of them, shall have the power to inquire into the conduct of any office, department, or officer of the city and to make investigations in municipal affairs and compel the production of books, papers and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the city.

B. All officers of the city, including mayor and councilmen, shall before entering upon the duties of his office, severally take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his office and trust, which oath shall be filed with the city clerk. (See Section 2.04.040).

C. All records and accounts of every office and department of the city shall be open to inspection by any person. Except, that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, may be withheld from inspection. Such records as are required by state law or city ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city clerk. (Prior code Ch. 10 § 1)

2.24.110 INDEMNIFICATION.

The city will indemnify and hold harmless the city officers and employees and their appointees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of their duties, as assigned or set forth in this code; provided, that any such claims, damages, losses or expenses are not caused in whole or in part by any willful or fraudulent act or omission by such city officers, employees and their appointees. (Ord. 90-06 § 5, 1990)

CHAPTER 2.28 - ELECTIONS

2.28.010 ADMINISTRATION OF ELECTIONS.

The city council shall prescribe the general rules for conducting city elections.
(Ord. 96-24 § 4(part), 1996)

2.28.015 POLLING LOCATIONS

There shall be one polling place established within the municipal boundaries of Thorne Bay.

1. Thorne Bay City Hall

2.28.020 VOTER QUALIFICATION.

A person may vote in a city election only if the person:

A. Is qualified to vote in state elections under AS 15.05.010;
B. Has been a resident of the city for thirty days immediately preceding the election;
C. Is registered to vote in state elections at a residence within the city limits at least thirty days before the city election at which the person seeks to vote; and
D. Is not disqualified under Article V. of the State Constitution. (Ord. 96-24 § 4(part), 1996)

2.28.030 GENERAL ELECTION-TIME.

On the first Tuesday of October of each year a general election will be held in the city, for the purpose of filling vacant city offices. The determination of other matters may be placed on the ballot. (Ord. 96-24 § 4(part), 1996)

2.28.035 MAYORAL ELECTION TIME.

The Mayoral Election shall be held on the Tuesday after the First Monday in November every two years. (Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; ORD. 96-24 § 4(PART), 1996)

2.28.040 SPECIAL ELECTION-TIME.

The city council, by resolution, may order that a special election be held. (Ord. 96-24 § 4(part), 1996)

2.28.050 EXPENSES.

A. The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags

and other supplies, and any wages due to judges. Salaries for the election judges shall be set by the council.

B. When the results of an election are contested, the contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse a result of the election, or the difference between the winning and losing vote on the result contested is more than two percent.

C. If an election is established by petition all costs and expenses incurred shall be the responsibility of those petitioning for a special election. If the subject or question brought by petition is placed on the ballot in a general election the cost to be paid by petitioner will be any additional ballot/judge/election expenses over and above the general election expenses. (Ord. 96-24 § 4(part), 1996) (Ord. 13-12-03-01)

2.28.060 TIME OFF FOR VOTING.

Any qualified voter who is an employee of the city who does not have time to vote at any city and borough, state or national election may, without loss of pay, take off working time that will enable him to vote. It is the policy of the city to encourage employers to make allowances for residents to exercise their voting rights without penalty of loss of pay, particularly where employment may conflict with normal voting hours. (Ord. 96-24 § 4(part), 1996)

2.28.065 THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES CAST FOR THE SEAT DECLARED SHALL BE THE WINNER OF THAT COUNCIL SEAT.

Write in votes (unless declared) shall not be considered in computations for determining the number of votes necessary to be elected as a declared candidate. In case of a tie vote refer to section 2.28.620 of this chapter.

2.28.066 WRITE-IN CANDIDATES.

A write-in candidate shall complete and file with the city clerk a declaration of intent by 12 pm the Friday preceding the election.

2.28.068 WRITE-IN VOTES NOT COUNTED.

If a write-in candidate does not file a declaration of intent for candidacy the votes cast for that candidate will not be counted towards determining the winning candidate.

2.28.080 ADMINISTRATION.

The city clerk is the supervisor of elections and is responsible for the administration of city elections. The election duties of the city clerk include, among other duties, obtaining from the state of Alaska a list of voters registered in accordance with AS 15.07.040. The clerk may publish notices urging voter registration and may cooperate with the state of Alaska in encouraging city residents to register. (Ord. 96-24 § 4(part), 1996)

2.28.090 ELECTION JUDGES.

A. Before each city election, the council shall appoint three judges for each city polling place to constitute the election board for the polling place. A judge shall be a registered voter of the City. If the council is unable to locate a registered voter in the city who is willing and able to serve on the election board, they may appoint a qualified individual registered to vote in the state. One judge in each polling place shall be designated chairman by the City Clerk and shall be responsible for the election in that polling place. The city clerk may appoint up to two additional election judges at any polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges of undue hardship.

B. Candidates for office and their immediate family members (parents, spouse, children, and siblings) shall not serve as judges. (Ord. 96-24 § 4(part), 1996)

2.28.100 ELECTION BOARD-VACANCY FILLING.

If an appointed judge fails to appear and subscribe to the oath on Election Day or becomes unable to work during the time of the election or canvass, the City Clerk shall appoint, a qualified voter to fill the vacancy. (Ord. 96-24 § 4(part), 1996)

2.28.110 ELECTION OFFICIAL-OATH.

The city clerk will choose an election judge from each polling place to appear before the city clerk and take the oath set out in this section. This election official will administrate the same oath to all other election judges and clerks at his polling place. The oath will be as follows:

"I do solemnly [swear or affirm] that I will honestly and faithfully perform the duties of election [judge or clerk] to the best of my ability." (Ord. 96-24 § 4(part), 1996)

2.28.120 CANVASS COMMITTEE.

A. A canvass committee shall canvass all votes after the election judges have completed their tally of votes.

B. The council shall serve as the canvass committee for special and general elections.

C. Before each mayoral election the council shall appoint three registered voters from the general public to serve as the canvass committee for the mayoral and mayoral runoff-

elections. Members of the council and candidates' immediate family members (parents, spouse, children, and siblings) shall be disqualified from service. (Ordinance 19-12-17-01; added Subsection (c); Prior Ord. 13-12-03-01; Ord.96-24 § 4(PART), 1996)

2.28.130 QUALIFICATIONS-GENERAL ELECTION.

No person shall hold any elective city office or be eligible to seek election to any elective office unless he is a qualified voter of the city. (Ord. 96-24 § 4(part), 1996)

2.28.135 QUALIFICATIONS-MAYORAL ELECTION.

A. No person shall hold the office of mayor or be eligible to seek election to mayor unless a member of the city council.
B. To qualify for the office of mayor, a councilmember must have served on the Council for at least one year. (Ordinance 21-10-11-01; Prior Ord. 19-12-17-01, added Section 2.28.125; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(PART), 1996)

2.28.140 DECLARATION OF CANDIDACY-FILING FOR GENERAL ELECTION.

A person who wishes to become a candidate for an elected office shall complete and file a declaration of candidacy. The declaration shall be completed under oath before the city clerk and on a form provided by the city clerk. The declaration shall state definitely:

A. The full name of the candidate and the manner it is to appear on the ballot;
B. The full residence address of the candidate;
C. The full mailing address of the candidate;
D. The office for which the candidate declares;
E. That the candidate is a qualified voter and resident of the city;
F. That the candidate agrees to serve if elected to the office of councilmember for a term of three years or the remainder of the term of office elected.
    1. The City Clerk shall post a notice containing the date, time and place of filing a declaration of candidacy in at least three (3) locations within the City, in a newspaper of general circulation if there is one in the area, and may post a notice on the City's website, before a candidate may submit a declaration.
    2. A person seeking elective office shall file a Declaration of Candidacy form along with a Financial Disclosure Statement to the Office of the City Clerk.
    3. A declaration of candidacy filing period shall be filed with the City Clerk not earlier than 50 days and not later than 30 days before the election. No declaration of candidacy may be filed on weekends.

2.28.150 DECLARATION OF CANDIDACY-FILING FOR MAYORAL ELECTION.

A. A council member who wishes to become a candidate for mayor shall complete and file a declaration of candidacy.
B. The declaration shall be completed under oath before the city clerk. The declaration shall state definitely:
    1. The full name of the candidate and the manner it is to appear on the ballot;
    2. The full residence address of the candidate;
    3. The full mailing address of the candidate;
    4. That the candidate agrees to serve if elected to the office of mayor for a term of two years.
C. A declaration of candidacy for the office of mayor shall be filed with the city clerk not earlier than the certification of the general election nor later than four days after certification of the general or general runoff election.
D. In the event that only one council member files a declaration of candidacy for the office of mayor, the council shall certify that candidate as winner of the mayoral election by default, and no mayoral election shall be held. (Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(PART), 1996)

2.28.160 DECLARATION OF CANDIDACY-RECORD.

The city clerk will maintain a record containing the name and address of every person who filed a declaration of candidacy and also the date and time of the filing. (Ord. 96-24 § 4(part), 1996)

2.28.170 DECLARATION OF CANDIDACY-TIME FOR WITHDRAWING CANDIDACY.

A candidate may withdraw his declaration of candidacy through the last day for filing declarations, by submitting a written notice of withdrawal with the city clerk.
(Ord. 96-24 § 4(part), 1996)

2.28.180 NOTICE OF ELECTION.

The city clerk shall give at least twenty days' notice of each general, mayoral or special elections by posting notices in three locations within the city; If the city has two or more precincts or polling places within the city limits, the clerk shall post notices of elections in each voting precinct or polling place. (Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(part), 1996)

2.28.190 ELECTION NOTICE CONTENTS.

Notices for general, mayoral or special elections must contain the following:

A. The date of the election;
B. The offices to be filled or the propositions to be voted upon;
C. The time the polling places will open and close;

D. The location of city polling places;
E. A boundary description of the voting precinct or a reference to the Alaska Administrative Code sections establishing precinct boundaries;
F. The procedure for declaring candidacy; and
G. Whether the election is general, mayoral or special. (Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(part), 1996)

2.28.200 ELECTION BOOTHS.

At each polling place the city clerk shall provide voting booths and enough supplies and materials to enable each voter to mark his ballot unobserved. At least three sides of each voting booth shall be within plain view of the judges, clerks, voters and other persons at the polling places. (Ord. 96-24 § 4(part), 1996)

2.28.210 FURNISHING INSTRUCTION CARDS.

The city clerk will furnish to each election Judge written instructions on voting procedures for the guidance of voters, including but not limited to.

1. How to obtain ballots;
2. The manner for marking them;
3. The method for obtaining information; and
4. How to obtain a new ballot to replace any ballot destroyed or spoiled. (Ord. 96-24 § 4(part), 1996)

2.28.220 BALLOTS-PRINTING AND INSPECTION.

In all city elections, the city clerk will be responsible for the printing of ballots. The ballots will be printed and in the possession of the city clerk, at least fifteen days before the general election. Ballots shall be available for inspection by the candidates or the public through a public records request. (Ord. 96-24 § 4(part), 1996)

2.28.230 BALLOTS-FORM.

A. A ballot shall show the list of candidates and issues to be decided at the election.
B. Before the list of candidates for each office there will be placed the words "vote for not more than one,"
C. The term “office” for the purposes of this chapter, refers to each city council seat individually. For example: “seat a” is referred to as one office, “seat b” is referred to as one office, “seat c” is referred to as one office.. Etc.
D. Under the title of each office and below the printed names of the candidates, there will be printed the number of candidates to be elected to the office.
E. Somewhere on the ballot, so as to be clearly visible, will be printed the words:

1. "OFFICIAL BALLOT";
2. The date of the election; and
3. The City Seal along with the signature of the clerk who had the ballots printed.

F. The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.

G. The names of candidates shall be printed as they appear upon the declarations of candidacy filed with the city clerk, in the order received, except that any honorary or assumed title or prefix shall be omitted.

H. Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "yes" and "no" shall be placed below the statement of each proposition and question. (Ordinance 21-10-18-01, § C; prior Ord. 96-24 § 4(part), 1996)

2.28.240 SAMPLE BALLOTS.

The city clerk will have a number of sample ballots printed. The sample ballots will be printed on nonwhite paper and clearly labeled as a "sample ballot." Sample ballots will be delivered to the election board in each voting place. (Ord. 96-24 § 4(part), 1996)

2.28.250 DIVISION OF ELECTIONS PRECINCT LISTS-DISTRIBUTION TO PRECINCT OFFICIALS.

Prior to the opening of the polls, the city clerk shall deliver a division of elections precinct list to the election judges. The precinct list will provide enough space to allow voters to sign their name. The signing of the precinct list is a declaration by the voter that he is qualified to vote. A record shall be kept in a separate register of the names of persons who are required to vote a questioned ballot. (Ord. 96-24 § 4(part), 1996)

2.28.260 TIME FOR OPENING AND CLOSING POLLS.

A. On the day of any election, each election board shall open the polls for voting at eight in the morning, for Regular Municipal Elections and seven in the morning during a presidential voting year, and shall close the polls for voting at eight in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at seven thirty in the morning of an election day. (Ordinance 21-02-02-01)

B. Ten minutes before the closing of the polls, a judge or clerk shall announce to all persons present the time remaining before the polls close. When the polls are closed, no ballots

will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed. (Ord. 96-24 § 4(part), 1996)

2.28.270 DISTRIBUTION OF BALLOTS.

A. The city clerk shall deliver the ballots to the election judges before the polls are opened on Election Day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of it. A receipt of each package shall be taken from the election judges to which it is delivered and saved by the city clerk. No ballots shall be taken from the polling place before the closing of the polls.

B. The clerk shall keep the following records:
    1. The number of ballots delivered to the various polling places;
    2. The name of the persons to whom the ballots are delivered; and
    3. The time the ballots are delivered.

C. When the ballots are returned, the clerk shall record the following:
    1. The number of the ballots returned;
    2. The time when the ballots are returned;
    3. The name of the person returning the ballots;
    4. The condition of the ballots. (Ord. 96-24 § 4(part), 1996)

2.28.280 PREPARATION OF BALLOT BOX.

Before receiving any ballots, the election judges or City Clerk must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box will be sealed and not opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box will be personally opened by the election judges or City Clerk in the presence of all persons present at the polling place. (Ord. 96-24 § 4(part), 1996)

2.28.290 VOTING PROCEDURE.

A. A voter shall give the judges his/her name and sign his/her name adjacent to his printed name in the precinct list. If any judge present believes the person is not qualified to vote, he/she immediately shall question the voter.

B. If the voter is not questioned, he/she shall be given one ballot with the ballot number torn off by the election judge and shall retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of this choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The voter also marks the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot and deliver it to the ballot box.

C. A voter who by accident or mistake spoils his ballot shall, upon returning the spoiled ballot to the judges, be given another ballot. The number of the spoiled ballot shall be recorded on the ballot accountability sheet by the judges and the spoiled ballot shall be destroyed in front of the voter. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge if he/she requests such assistance. (Ord. 96-24 § 4(part), 1996)

2.28.300 MARKING OF BALLOTS BY VOTERS.

A. A voter may mark his ballot only by the use of cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.

B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

C. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

D. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

E. The mark shall be counted only if it is mostly inside the square provided or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

F. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates made properly. No ballot shall be rejected if the election judges can determine the candidate for whom the voter intended to vote or proposition to be chosen.

G. An erasure or correction invalidates only that section of the ballot in which it appears.

H. Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot.

I. Write-in votes are invalidated if the voter fails to mark the square provided.
J. Write-in candidates will not be counted towards determining the winning candidate unless the candidate has filed a declaration of intent with the city clerk not earlier than the last day of filing period for declaration of candidacy and not later than 12 pm on the Friday before the election. The declaration of intent shall state:
    1. The full name of the candidate;
    2. The full residence and mailing address of the candidate;
    3. The seat in which the candidate wishes to be written in on the ballot by the voter;
    4. The date of the election in which the candidate seeks election;
    5. A certification by the candidate that the candidate:
        a) Is a qualified voter;
        b) Is a resident of the City
        c) Qualifies or shall qualify as of the date of election, for the office to which the candidate seeks election;
        d) Shall serve if elected; and
        e) Is not a candidate for any other office to be voted on at the election.

2.28.320 QUESTIONING A VOTER'S BALLOT.

If a voter's right to vote is questioned by an election judge, City Clerk or other qualified voter in the city, the voter shall be allowed to vote, and any election official shall consider the ballot a questioned ballot. (Ord. 96-24 § 4(part), 1996)

2.28.330 QUESTIONED BALLOTS-DISPOSITION.

Before voting a questioned ballot, the voter shall take an oath and sign an affidavit provided by the election judge or city clerk attesting to the fact the voter is a qualified voter. After the questioned voter has taken the oath and signed the affidavit, the voter may vote. After a questioned voter has cast his ballot, the questioned voter will insert the ballot into an envelope with the signed oath and affidavit taped or glued to the outside of the envelope. If the questioned person refuses to take the oath or sign the affidavit, the person may not vote. The election judges shall deliver the oath and affidavit envelope to the city clerk. The city clerk will present these materials to the canvass committee and assist the canvass committee in determining the validity of the question. (Ord. 96-24 § 4(part), 1996)

2.28.340 BALLOTS-COUNTING AND TALLYING.

A. Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the precinct list and questioned ballot list. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the precinct list and questioned ballot list, the ballots shall be recounted until the election board finds that there is an unexplained error or that the number of ballots cast matches the number of ballots indicated by the precinct list and questioned ballots list. If a discrepancy is determined to exist between the number of votes cast and the precinct list and questioned ballot list, it shall be explained in detail on the tally paper or papers, and the explanation shall be signed by the election judges.

B. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any person's present. The public may not be excluded from the area in which the ballots are counted. However, the election board chairman and/or the City Clerk shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one and tally the number of votes for each candidate and for or against each issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

C. Write-in votes shall be tallied but not used to determine percentage for the winning vote unless the person written in has filed a declaration of intent with the City Clerk as set forth in section 2.28.300 (j) of this chapter.

2.28.350 DEFECTIVE AND UNUSED BALLOTS.

If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election judges can determine the person for whom the voter intended to vote. Ballots not counted shall be marked "Defective" on the back. An explanation of the defect shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with the label "defective ballots." All ballots not voted on shall be returned by the judges to the city clerk, who shall give a receipt for them and keep a record of the number and condition of

ballots returned to him, indicating when and by which judge each was returned. (Ord. 96-24 § 4(part), 1996)

2.28.360 ELECTION CERTIFICATE.

After the votes are announced and counted, a certificate will be drawn stating the number of votes each person has received and designating the office for which he has run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges. The precinct list tallies or tally papers, oath of judges, oaths of voters, other papers, and the certificate will be delivered to the city clerk. (Ord. 96-24 § 4(part), 1996)

2.28.370 MAJORITY DECISION OF ELECTION JUDGES.

The decision of the majority of judges determines the action that they shall take regarding any question which arises during the course of the election.

2.28.380 PROHIBITIONS NEAR ELECTION POLLS.

During the hours the polls are open, no person who is in the polling place or within two hundred feet of any entrance to the polling place, may attempt to persuade a person to vote for or against a candidate, proposition or question. (Ord. 96-24 § 4(part), 1996)

2.28.390 CANVASS COMMITTEE-MEETING-POSTPONING CANVASS.

The canvass committee will meet on the first Friday after any municipal election and canvass all absentee and questioned ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total.
(Ord. 96-24 § 4(part), 1996)

2.28.400 CANVASS TO BE MADE PUBLIC.

A. The canvass of all absentee and questioned ballots will be made in public by opening the returns and announcing the results thereof in front of those present.
B. Absentee ballots shall be counted by the city clerk and two or more assistants in the following manner: All ballot envelopes shall be removed from return envelopes and placed in a ballot box. The return envelopes shall be delivered to the city clerk. The absentee ballots shall one by one be removed from the ballot box, taken out of the ballot envelopes and counted, in the same manner in which ballots cast at the polls are counted.
C. The canvass shall include a review and comparison of the tallies of paper ballots with the election certificates to correct any mathematical error in the count of paper ballots.

D. If the city clerk finds an unexplained error in the tally of paper ballots, he may count the ballots from the ballot box. (Ord. 96-24 § 4(part), 1996)

2.28.410 INVESTIGATION OF QUESTIONED BALLOTS.

The canvass committee may request the assistance of the city clerk to investigate the questioned ballots. Any city elector may appear to give testimony concerning the questioned ballots. The City Clerk will check with the Division of Elections to determine whether the questioned ballot voter was a registered voter of the City. The council may accept or reject a questioned ballot. If a questioned ballot is rejected, the ballot rejected will not be opened or counted, but will be saved as are other ballots. If a questioned ballot is accepted, the ballot accepted will be counted with the absentee ballots. The city clerk will notify a voter whose ballot is not counted that the ballot was rejected. (Ord. 96-24 § 4(part), 1996)

2.28.420 QUESTIONED BALLOTS-SUBPOENAS.

The council may order testimony of witnesses and issue subpoenas while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state of civil procedure concerning the enforcement of administrative and state agency subpoenas. (Ord. 96-24 § 4(part), 1996)

2.28.430 CANVASS COMMITTEE-REPORT-CONTENTS.

The canvass committee will submit a report of its findings at a special meeting on the first Monday following the election. The report will show:

A. The number of ballots cast in the election;
B. The names of the persons voted for and the propositions voted upon;
C. The offices voted for;
D. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
E. A proposed disposition of all absentee, write-in, questioned and voided ballots; and
F. Other matters which the canvass committee may determine to be necessary.

(Ord. 96-24 § 4(part), 1996)

2.28.440 RESULTS OF ELECTION-PUBLIC DECLARATION.

A. If a contest is not begun under the provisions of Article VIII of this chapter, the results of the Regular or Mayoral election shall be publicly declared by the council and entered in the minutes of a special meeting of the council on the first Monday following the Regular or Mayoral municipal election.

B. If a contest is declared and resolved, the result of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council within a week after the contest is resolved. (Ordinance 21-02-02-01; Ord. 96-24 § 4(part), 1996)

2.28.450 CERTIFICATE OF ELECTION.

The city council will authorize the city clerk to make and deliver a certificate of election to every person elected. The certificate of election will be signed by the mayor and clerk. It shall display the corporate seal of the city. (Ord. 96-24 § 4(part), 1996)

2.28.460 ABSENTEE VOTING-ELIGIBLE PERSONS.

Any qualified voter, who expects to be absent from the city or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot. (Ord. 96-24 § 4(part), 1996)

2.28.470 ABSENTEE BALLOT-APPLICATION-FILING.

A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the city clerk.
B. An application made by mail must be received by the city clerk, no less than five days before a city election. An application made in person must be filed with the city clerk not earlier than 30 days before the city election date, and no later than the close of polls on election day.
C. An application for an absentee ballot from a qualified voter requesting delivery of an absentee ballot to the applicant by electronic transmission must be received by the city clerk not later than 5:00 p.m. Alaska time on the day before the election for which the absentee ballot is sought.
D. The application must be signed by the applicant and show his place of residence. (Ordinance 21-10-18-01 § C; Prior Ord. 21-02-02-01, § B)

2.28.480 ABSENTEE BALLOT-DELIVERY.

Upon receipt of an application for an absentee voter's ballot, the clerk will check the latest state registration listings to determine whether the applicant is a qualified voter.

A. If the applicant is a qualified voter, the clerk will deliver to the applicant, an official ballot for the election, an identification envelope and a return envelope.
B. Ballots may be delivered to a qualified voter by means of us postal service, electronic transmission or personally delivered by the city clerk.
C. If the absentee voter's ballot is personally delivered, it shall be completed before the clerk at the time of delivery.
D. If the absentee ballot is to be mailed, the clerk shall mail the ballot to the address given by the applicant.

E. If the ballot is delivered by email, the clerk will email the ballot to the applicant with a read receipt requested. (Ordinance 21-10-18-01; Ord. 96-24 § 4(part)

2.28.490 ABSENTEE BALLOT-NOTATION OF BALLOT NUMBER AND DATE OF APPLICATION.

A. Upon personal delivery, electronic transmission or the mailing of absent voter's ballot, the clerk will enter on the space provided in the absentee voter register, the number of the ballot and the date the ballot was delivered, electronically transmitted or mailed.
B. On election day, the clerk will give the election judges a list of voters who have voted absentee in the form of the ballot accountability register and it will clearly indicate who voted by mail or fax absentee and who voted in person absentee prior to polls being opened. (Ordinance 21-10-18-01; Prior Ord. 96-24 § 4(part), 1996)

2.28.500 ABSENTEE BALLOT-COMPLETION-RETURN.

The identification envelope and return envelope provided to the voter will be of a form, size and weight as determined by the city clerk. The identification envelope for by mail ballots will have printed on its face an affidavit as follows: ----------
"IDENTIFICATION ENVELOPE"
State of Alaska)) SS: I _____, State that: I am a resident of and a voter in the city of ____, Alaska, and I hereby enclose my ballot. _____ VOTER, (SEAL) Residence address within the city _____ SUBSCRIBED AND SWORN before me, this day of , 20 ____, at m. (note time zone). I hereby certify in my presence this affiant enclosed a ballot and handed me this envelope sealed; that he signed this affidavit and I acknowledged his signature and affidavit, all in accordance with the law. Official's Signature
(SEAL) Title of Officer

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the city clerk of the City of ____ , you must immediately return it by mail, postage prepaid, to the City Clerk, P.O. Box 19110, Thorne Bay, Alaska 99919

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING COMMITTEE -------

2.28.510 ABSENTEE BALLOT-EXECUTION IN CITY.

A voter who receives an absentee voter's ballot may, on any day prior to the day of the election, appear at the office of the city clerk, and execute his ballot in the following manner:

A. The voter will first display the ballot to the clerk to show that the ballot has not been previously marked. He then will proceed to mark the ballot in the voting booth at the clerk's office. The voter will place the ballot in the envelope provided to him in a manner that permits the clerk to see the number of the ballot. The voter will then hand the envelope to the clerk, who will examine it. If the clerk determines that the ballot is

numbered correctly, he will tear the printed number off and permit the voter to enclose the ballot in the identification envelope.

B. The voter will then make out and swear to the affidavit printed on the face of the envelope. He will seal the envelope and deliver it to the clerk.

C. The clerk will certify the affidavit printed on the identification envelope by writing or stamping his name across the seal. The clerk will deposit the envelope in a safe place in his office, to be kept by him and delivered to the canvassing committee.

If an absentee voter returns to the city on Election Day, he will not be allowed to vote unless he surrenders the absentee voter's ballot and any other supplies mailed to him. (Ord. 96-24 § 4(part), 1996)

2.28.520 ABSENTEE BALLOT-EXECUTION OUTSIDE CITY.

A. After receiving an absentee voter's ballot, the voter may appear on any day prior to and including the day of the election, before a notary public, postmaster, clerk or officer of any city, state, territory or district within the United States. Before the officer he may complete his ballot as set out in Section 2.28.510 of this chapter.

B. Absentee ballots executed outside of the City may be faxed to ensure receipt by the City Clerk prior to canvass. Ballot by fax must contain a disclaimer that the voter understands his/her vote cast will not be secret. (Ord. 96-24 § 4(part), 1996)

2.28.530 ABSENTEE BALLOT-RECEIPT.

To be counted an absentee voter's ballot must be executed before the polls close in the city and be received by the clerk prior to the time the ballots are canvassed by the canvassing committee. (Ord. 96-24 § 4(part), 1996)

2.28.540 ABSENTEE BALLOT-VOTING SUPPLIES.

All supplies necessary for the voter to cast and return his ballot will be furnished by the clerk. No city official may make any charge for services rendered to any voter under the provisions of this chapter. (Ord. 96-24 § 4(part), 1996)

2.28.550 LIBERAL CONSTRUCTION.

This article will be liberally interpreted, so as to accomplish the purposes set forth. (Ord. 96-4 § 4(part), 1996)

2.28.560 CONTEST OF ELECTION.

A. Any candidate or any ten qualified voters may contest the election of any person and the approval or rejection of any question or proposition.

B. A candidate or elector who believes that prohibited practices occurred at an election will appear before the council at the special council meeting held on the first Monday following the election. He will deliver a sworn written notice of contest, which will state with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct.

C. A notice shall read:

"NOTICE OF ELECTION CONTEST"

The undersigned believes that prohibited practices occurred at the election held on _____

The undersigned states that the following laws were violated:

The undersigned states that the above provisions of the law were violated in the following manner:

Signature of Person Contesting

SUBSCRIBED AND SWORN to before me, this day of , 20 .

Notary Public in and for Alaska; My Commission Expires: (Ord. 96-24 § 4(part), 1996)

2.28.570 RECOUNT EXPENSES-APPEAL.

A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.

B. No person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies before the city council and has commenced, within ten days after the council has finally declared the election results, an action in the superior court in the city's

judicial district. If no such action is commenced within the ten-day period, the election and election results shall be conclusive, final and valid in all respects. (Ord. 96-24 § 4(part), 1996)

2.28.580 CONTEST OF ELECTION-INVESTIGATION.

The city council will order an investigation to be made by the city clerk and/or the mayor, if a notice of contest is received. Investigation proceedings will be public. (Ord. 96-24 § 4(part), 1996)

2.28.590 BALLOT RECOUNT.

If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots. (Ord. 96-24 § 4(part), 1996)

2.28.600 PROHIBITED PRACTICES ALLEGED.

When the contestant alleges prohibited practices, the council will direct the city clerk to produce the original register books for the election. (Ord. 96-24 § 4(part), 1996)

2.28.610 SUSTAINED CHARGES-RECOUNT.

If the charges alleged by the contestant are upheld, the canvassing committee will make a recount and report immediately to the council. The council will then certify the correct election returns as provided in Section 2.28.440 of this chapter. (Ord. 96-24 §4(part), 1996)

2.28.620 DETERMINATION OF TIE-VOTES.

If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the mayor shall notify the candidates who are tied. The mayor shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the mayor shall so certify. (Ord. 96-24 §4(part), 1996)

CHAPTER 2.32 FIRE DEPARTMENT SECTIONS:

2.32.010 DEPARTMENT ESTABLISHED.

There shall be a fire department for the city. A fire chief shall be department head and administer the department. The Chief Administrator shall supervise the department

2.32.015 STIPEND.

The fire department chief shall receive a monthly stipend for department administrative tasks. The fire department chief shall receive a monthly stipend to be determined by the council.

2.32.020 FIRE CHIEF--APPOINTMENT--DISCHARGE.

A. The Fire Chief shall be appointed by the Chief Administrator subject to approval by the council. His term of office is unlimited as long as his performance of duties and his conduct are satisfactory, as judged by the chief administrator. For just cause and upon recommendation of the chief administrator, the council may remove him from the position of fire chief or may discharge him from the department.
B. Every effort shall be made to appoint a fire chief who is technically qualified through training and experience in fire suppression and administration and who possesses the ability to successfully command subordinates and enforce regulations.
C. If the city is financially unable to hire a salaried fire chief, a volunteer may be appointed to carry out the provisions of this chapter.

(Ord. 91-18 §4(part), 1991: Ord. 89-27 §5(part), 1989)

2.32.030 DEPARTMENT STAFF.

A. Staff members shall be recommended by the fire chief and approved by the chief administrator. For just cause any staff member may be discharged by the chief administrator. The fire chief shall be consulted prior to the discharge of any staff member.
B. If the city is financially unable to staff the department with the necessary salaried employees, volunteers shall be utilized. Whether the department is composed of salaried employees, non-salaried volunteers or a combination of salaried employees and non-salaried volunteers, it shall be administered by the fire chief under the supervision of the chief administrator. All fire department salaried or volunteers shall be considered “project employees” pursuant to Chapter 2.24.030 “employment” of the municipal code.

C. Within the department the fire chief may establish staff responsibilities and titles and make promotions but any such staff action that involves a salaried employee or regularly compensated volunteer shall require prior approval of the chief administrator.

D. For just cause any staff member may be discharged by the chief administrator. The fire chief shall be consulted prior to the discharge of any staff member.

E. If the fire chief position becomes vacant, the department staff may recommend a candidate for the position and the council shall give consideration to such recommendation. The department staff shall be given the opportunity to review all applications for the position of fire chief. (Ordinance 12-30-20-01; Prior Ord. 91-18 §4(part), 1991: Ord. 89-27 §5(part), 1989)

2.32.040 VOLUNTEERS.

A. Volunteer department members may organize into a volunteer association, elect their own association officers and establish their own association by-laws. However, all association activities pertaining to city duties shall be administered by the fire chief and shall comply with the terms of this chapter.

B. The volunteer association may purchase with its own fund items of personal property and the use of such property shall be controlled by the association but shall not conflict in use or purpose with department property of the city nor with any established regulation or procedure of the department.

C. Upon the recommendation of the Chief Administrator the council may approve compensation to reimburse volunteers who, while on fire duty, training assignments or other required department activities, incur damage to personal items. If personal items are damaged in use, compensation may be allowed it the use was pre-approved by the fire chief. (Ord. 91-18 §4(part), 1991: Ord. 89-27 §5(part), 1989)(ord. 12-30-20-01)

2.32.042 SERVICE FEES.

Service fees to be charged for fire department services shall be as set forth in the most current fire department fee schedule adopted and approved by resolution of the city council and incorporated herein by reference. Fees may include any and all costs associated with responding to the individual incident. (Ord. 04-03-18-01 §4, 2004: Ord. 96-10 §4, 1996)(Ord. 12-3-20-01)

2.32.050 DEPARTMENT RESPONSIBILITIES.

A. The department shall have broad responsibilities in the following areas:

1. Fire Protection. Department personnel shall extinguish all fires, rescue persons endangered by fire, promote fire prevention and perform all duties pertaining to the fire department.

2. Rescue Operations. Department personnel shall respond and assist when such need arises.
3. Miscellaneous City Emergencies. Department personnel may be requested to volunteer to respond and assist in coping with an emergency situation.

B. Any additional responsibility to be assigned to the fire department shall be first discussed with the fire chief and then approved by the council.

(Ord. 91-18 § 4(part), 1991: Ord. 89-27 § 5(part), 1989)

2.32.060 FIRE CHIEF RESPONSIBILITIES.

A. The fire chief is in charge of the department. His responsibilities shall include but are not limited to the following:
1. Determine the organization of the department;
2. Appoint a staff member to serve as assistant fire chief. If the fire chief's position becomes vacant, the assistant fire chief shall be in charge of the department until a new fire chief is appointed;
3. Determine the number and kind of companies, their composition and their order of response to alarms;
4. Abide by and enforce rules and regulations established by ordinance, resolution or administrative publication.
5. Establish, abide by, maintain and enforce standard operating procedures (SOP's) that are specifically for the effective and successful operation of the department:
   i. SOP's may cover such items as training, drills, discipline, rules and regulations that are particularly characteristic of the fire department and its functions.
   ii. SOP's shall not conflict with city ordinances and regulations. If a SOP conflicts with an administrative publication the subject matter shall be submitted to the council for solution of the conflict.
   iii. iii. New SOP's and proposed changes to current SOP's shall be discussed by the fire chief with the department staff. After the discussion the fire chief shall make the final decision on the text of the new or changed SOP.
   iv. SOP's shall be kept current. As part of the fire chief's regular monthly report to the council new SOP's or changes to existing SOP's shall be orally recited.
   v. Copies of SOP's and all changes thereto shall be filed with the city administration. A file of SOP's shall be maintained in city hall for reference.
6. Make a monthly oral report to the council at a regular monthly council meeting, presenting pertinent current information and a general review of the previous month's fire department activities;
7. Administer the care and maintenance of department property and keep the required inventory record of such property;

8. Prepare and file required department reports and maintain required records.
9. Maintain the communication arrangements and equipment for reporting emergency situations;
10. Assist the law enforcement officer in investigating the cause of fires;
11. Annually, when requested by the chief administrator, submit a proposed fire department budget for the next fiscal year. The fire chief shall be consulted about any changes to be made to his proposed budget before it is finalized by the chief administrator;
12. Keep the Chief Administrator advised about the condition of all firefighting equipment and the need, if any, for additional equipment to maintain the department efficiency;
13. Ensure that the fire department is registered with the State Fire Marshal's office as a formally constituted fire department.

B. Any additional responsibility to be assigned to the fire chief shall be first discussed with the fire chief and then approved by the council. (Ord. 91-18 § 4(part), 1991: Ord. 89-27 § 5(part), 1989)

CHAPTER 2.34 - POLICE DEPARTMENT SECTIONS:

2.34.010 DEPARTMENT GENERALLY--CHIEF.

There shall be a police department, the head of which shall be the chief of police, appointed by the Chief Administrator for an indefinite term. The chief of police shall be an officer of the city and shall have supervision and control of the police department or law enforcement department. All police officers shall be officers of the city. (Ord. 03-05-15-02 §4(part), 2003)

2.34.020 POWERS AND DUTIES.

It shall be the duty of the police department to apprehend, arrest and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge and generally keep the peace; to serve all warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal and state law as provided by law and to turn them over to the proper authorities; and in all respects to perform the duties pertaining to the offices of policemen. (Ord. 03-05-15-02 §4(part), 2003)

CHAPTER 2.36 - LAW ENFORCEMENT DEPARTMENT:

2.36.010 DEPARTMENT ESTABLISHED.

There shall be a law enforcement department for the city. The law enforcement officer shall be the department head and shall administer the department as provided in AS 29.20.400. (Ord. 91-17 § 4(part), 1991)

2.36.020 VILLAGE PUBLIC SAFETY OFFICER.

The village public safety officer (referred to in this chapter as "VPSO") shall be the department head, serving the city in accordance with the village public safety officer program letter of agreement (referred to in this chapter as "agreement") between the city of Thorne Bay and the Central Council of Tlingit and Haida Indian Tribes of Alaska (referred to in this chapter as "Central Council") as long as the agreement remains in effect.

A. Subject to the approval of the Central Council, as provided in the agreement, the VPSO shall be appointed by the council.

B. The Chief Administrator shall act as liaison between the VPSO and the city.

   1. In accordance with AS 29.20.500, the Chief Administrator shall supervise the department.

   2. The Chief Administrator shall exercise care and concern in the supervision of the VPSO, shall keep the council informed about the status of the city law enforcement and performance of the VPSO, and shall consult the council in evaluating the performance of the VPSO.

C. For just cause and after approval by the council, the Chief Administrator may recommend to central council that the VPSO be removed from the position.

D. In accordance with the agreement, the VPSO provides to his or her level of training a broad range of public safety services, including but not limited to enforcement of Municipal Law. With due regard for the VPSO's training and expertise, as well as the public's safety, the Chief Administrator, after approval of Central Council and the Alaska State Troopers and consideration of the VPSO's opinions and suggestions, shall assign reasonable and authorized public safety duties to the VPSO. Such duties shall be assigned within the limits of the VPSO's standard workday and standard workweek as established in the agreement.

1. Other public safety concerns or special VPSO duties may be assigned as authorized in the agreement.

E. The VPSO shall make a monthly oral report at a regular council meeting, presenting pertinent current public safety information and a general review of the department's previous month's activities. These reports will assist the council in evaluating the VPSO'S response to the needs of the city within the VPSO'S area of responsibility, in accordance with the agreement, the VPSO

F. The VPSO shall submit a proposed department budget for the next fiscal year annually upon request to assist the city in providing the VPSO normal office facilities in accordance with the agreement. The VPSO shall be consulted about any change to be made in the department's proposed budget before it is finalized by the Chief Administrator for approval of the council. (Ordinance 19-08-20-03; Prior Ord. 98-01§3 (part), 1998: Ord. 91-17 §4(part), 1991)

2.36.030 CODE ENFORCEMENT OFFICER

When the city is not party to an agreement covering the employment of a VPSO:

A. The chief administrator upon the approval of the city council shall appoint a code enforcement officer.

B. The Code Enforcement Officer shall be the department head and shall administer the department.

C. By ordinance or resolution, the council shall establish the organization and functions of the department, after considering recommendations of the chief administrator. (Ordinance 19-08-20-03; Prior Ord. 98-01 §3(part), 1998: Ord. 91-17 §4(part), 1991)

CHAPTER 2.38 - EMERGENCY MEDICAL SERVICES DEPARTMENT

2.38.010 DEPARTMENT ESTABLISHED.

There shall be an emergency medical services department (hereinafter EMS) for the city. An EMS Coordinator shall be department head and administer the EMS. The Chief Administrator shall supervise the department.

(Ordinance 20.06.02.02; Prior Ord. 91-19 §4(part), 1991: Ord. 90-02 §5(part), 1990)

2.38.015 EMS COORDINATOR APPOINTMENT AND ACCOUNTABILITY.

A. The EMS coordinator shall be appointed by the mayor and subject to confirmation by the city council. The EMS coordinator shall be technically qualified by training and experience and shall have ability to command the squad and hold their respect and confidence. The coordinator is an at-will position and may be removed at any time by the council. The coordinator shall report to and take direction from the city administrator.

B. The EMS coordinator shall be held accountable for the Thorne Bay EMS squad only and shall make written and verbal reports as the council may require. All EMS volunteers and or personnel shall be accountable to the EMS coordinator only, and subject to removal by the coordinator. (Ordinance 20-06-02-02 amended Ord. 04-02-05-03 §4, 2004 (Repealed and replaced by Ordinance 20-06-02-02))

2.38.020 DUTIES OF EMS COORDINATOR

A. The EMS shall have broad responsibilities for emergency medical response.

B. The responsibilities of the EMS Coordinator shall include, but are not limited to, the following:

1. Determine the organization of the EMS AND BE RESPONSIBLE FOR:
    i. Facilitating emergency services for the City of Thorne Bay,
    ii. Recruit, and maintain readiness of emergency services personnel and equipment;
    iii. Create and manage schedules for on-call emergency medical responders, ambulance drivers and dispatchers.
    iv. Plan, develop, direct, and evaluate emergency services and emergency responses programs.
2. Make monthly reports to the council at a regular council meeting the following:.
    i. The condition of the apparatus and equipment;
    ii. The number of EMS calls during the month,

iii. The number and purpose of all other runs made; and

iv. The number of members responding to each medical emergency or other run; and

v. Any changes in membership.

3. Establish, abide by, maintain and enforce standard operating procedures (SOPs) that are specifically for the effective and successful operation of the EMS:

   i. SOPs may cover such items as training, drills, discipline, rules and regulations that are particularly characteristic of the EMS and its functions.

   ii. SOPs shall not conflict with city ordinances and regulations. If a SOP conflicts with an administrative publication the subject matter shall be submitted to the council for solution of the conflict.

   iii. New SOPs and proposed changes to current SOPs shall be discussed by the EMS Coordinator with the department staff. After the discussion the EMS Coordinator shall make the final decision on the text of the new or changed SOP.

   iv. SOPs shall be kept current. As part of the EMS Coordinator's regular monthly report to the council new SOPs or changes to existing SOPs shall be orally recited.

   v. Copies of SOPs and all changes to them shall be filed with the city administration. A file of SOPs shall be maintained in city hall for reference.

4. Perform, at least once a month:

   i. Suitable drills or instruction in the operation and handling of:

      a) Equipment,

      b) First aid and rescue work, and

      c) All other matters generally considered essential to good emergency services practices and safety of life and property.

5. Coordinate continuing education programs for public safety officials, including fire, emergency services, and summer seasonal personnel.

6. Prepare appropriate grant applications and administer grants for the emergency services department;

7. Administer the care and maintenance of EMS property and keep the required inventory record of such property.

8. Maintain emergency services department records, including personnel records, certifications, patient care reports, ambulance billing records, and equipment inventories.

9. Ensure that complete records are kept of all calls, inspections, apparatus and minor equipment, personnel, training, and other information about the work of the department. Records containing patient information shall be stored and secured in compliance with state and federal law.

10. Annually, when requested by the chief administrator, submit a proposed EMS budget for the next fiscal year. The EMS Coordinator shall be consulted about any changes to be made to his proposed budget before it is finalized by the chief administrator.
11. Ensure that the EMS meets all pertinent state and federal regulations and laws.

(Ordinance 20-06-02-02; Amending Prior Ord. 91-19 § 4(part), 1991: Ord. 90-02 § 5(part), 1990

2.38.025 EMS MEMBERS--APPOINTMENT/DISCHARGE.

A. Volunteers and/or staff members shall be recommended by the EMS Coordinator and approved by the chief administrator. For just cause, any Volunteer or Staff member may be discharged by the chief administrator. The EMS Coordinator shall be consulted prior to the discharge of any staff member.

B. If the city is financially unable to staff the EMS with the necessary salaried employees, volunteers shall be utilized. Whether the EMS is composed of salaried employees, non-salaried volunteers or a combination of salaried employees and non-salaried volunteers, it shall be administered by the EMS Coordinator under the supervision of the chief administrator.

C. Within the EMS the EMS Coordinator may establish volunteer or staff responsibilities and titles and make promotions but such actions that involve a salaried employee or regular compensated volunteer shall require prior approval of the chief administrator. All EMS salaried or volunteers shall be considered “project employees” pursuant to Chapter 2.24.030 of the Thorne Bay Municipal Code. (Ordinance 20-06-02-02; Amending Prior Ord. 91-19 §4(part), 1991: Ord. 90-02 §5(part), 1990)

2.38.030 VOLUNTEER ASSOCIATION.

A. In the absence of an EMS Coordinator, there may be established a Volunteer Association of the EMS. Volunteer EMS staff members may organize into a volunteer association elect their own association officers and establish their own association by-laws. However, all association activities pertaining to city duties shall be administered by the EMS Coordinator or Chief Administrator and shall comply with the terms of this chapter.

B. The volunteer association may purchase with its own fund’s items of personal property and the use of such property shall be controlled by the association but shall not conflict in use or purpose with EMS property of the city nor with any established regulations or procedures of the city. (Ordinance 20-06-02-02; Amending Prior Ord. 91-19 §4(part), 1991: Ord. 90-02 §5(part), 1990)

2.38.040 SERVICE FEES.

Service fees to be charged for emergency medical services and supplies, shall be as set forth in the most current EMS fee schedule adopted and approved by resolution of the city council and incorporated herein by reference. (Ordinance 20-06-02-02; Amending Ord. 96-09 § 4, 1996)

2.38.050 COMPENSATION.

Upon the recommendation of the Chief Administrator the council may approve compensation to reimburse volunteers who, while on emergency medical duty, training assignments or other required EMS activities, if personally purchased disposable medical supplies are damaged in use, compensation may be allowed if the use was pre-approved by the EMS Coordinator. (Ordinance 20-06-02-02; Amending Prior Ord. 91-19 § 4(part), 1991: Ord. 90-02 § 5 (part), 1990)

CHAPTER 2.40 BOARD OF ADJUSTMENT

2.40.010 DESIGNATED.

A. The Thorne Bay city council is the board of adjustment for the area within the city boundaries of Thorne Bay, Alaska. Meetings of the board are held at the call of the mayor. The presiding officer or mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

B. The board of adjustment shall hear and decide:

1. Appeals regarding alleged errors in enforcement of zoning ordinances and building codes;
2. Appeals from the decisions of the planning commission on requests for conditional uses;
3. Appeals from the decisions of the planning commission on requests for variances from the terms of the zoning ordinance which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.

C. A variance shall not be granted because of special conditions caused by actions of the persons seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited. (Ord. 83-05-18-02 § 1, 1983)

2.40.020 ADJUSTMENT PROCEDURE.

An interested party, including but not limited to a city official, may file with the board of adjustment an appeal specifying his objections. Copies are filed with the administrative officer involved and with the city clerk within the time required by the zoning ordinance.

The officer shall provide the board with all pertinent records, including his written decision. An appeal to the board stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer. (Ord. 83-05-18-02 § 2, 1983)

2.40.030 APPEALS.

Appeals from decisions of the board of adjustment shall be governed by AS 29.40.060.

(Ord. 88-32 § 4, 1988: Ord. 83-05-18-02 § 3, 1983)

CHAPTER 2.42 COMMITTEES, BOARDS AND COMMISSIONS

2.42.010 COMMITTEES, BOARDS AND COMMISSIONS-REGULATIONS.

A. Unless a specific provision provides otherwise in the ordinances of the city, a committee, board or commission of the city shall be governed by each of the following provisions set forth in this chapter.
B. A committee, board or commission shall be established in the manner provided in this chapter.
C. Committees, boards and commissions shall, unless otherwise provided, act in an advisory capacity to the mayor and council. (Ord. 98-05 § 3(part), 1998)

2.42.020 MEMBERS-TERMS-OFFICERS.

A. The term for each member of a committee, board or commission shall be as set by the mayor or council in the committee's, board's, or commission's formation or as otherwise specified by ordinance.
B. A member of a committee, board or commission shall be a resident of the city and a qualified city voter as defined in Section 2.28.020 of this code.
C. A member of a committee, board or commission must keep current any accounts held with the city (i.e., utilities, lease payments, rents, sales tax, etc). Any member whose accounts fall into delinquency for more than sixty (60) days may be removed from office by a majority vote of the council. City Council will consider financial or other hardships.
D. Any person declaring candidacy for a committee, board or commission shall not be considered until the persons accounts are made current. City Council will consider financial or other hardships.
E. A committee, board or commission shall appoint one of its member's chairs, for a term to be fixed by the committee, board or commission. The committee, board or commission shall also appoint a vice chair to act in the absence of the chair, or if the chair is unable to act. (Ord. 98-05 § 3(part), 1998) (Ordinance 06-02-21-01)

2.42.030 APPOINTMENT.

Each member of a committee, board or commission shall be appointed by the mayor, subject to approval of the council. The term of appointment to an ad hoc committee, board or commission shall be set by the mayor subject to approval of the council. The terms of initial appointment to a standing committee, board or commission shall be staggered so that, as nearly as possible, a pro rata number of members shall be appointed for each year during the regular term of office established for the members of the committee, board or commission. A member shall serve until the expiration of the member's term. The regular term of a member of a committee, board or commission shall commence on November 15th of the year of appointment and shall expire on November 14th of the year the member's term expires or until filled by the members successor. (Ord. 98-05 § 3(part), 1998)

2.42.040 COMPENSATION.

Compensation and expenses of committees, boards or commissions are paid as directed by the city council. (Ord. 98-05 § 3(part), 1998)

2.42.050 VACANCY.

The office of a member of a committee, board or commission shall become vacant on the failure of a member:

A. To attend three consecutive regular and special meetings without excuse; or

B. To attend a majority of regular and special meetings during any calendar year without excuse. A member intending to be absent at a regular or special meeting shall request to be excused in advance of the meeting from which the member will be absent. (Ord. 98-05 § 3(part), 1998)

2.42.060 EX OFFICIO MEMBERS.

The mayor shall be an ex officio member of any committee, board or commission. The mayor may appoint an employee of the city who shall be an ex officio member of a committee, board or commission for the purpose of acting as a secretary to the committee, board or commission or to furnish the committee, board or commission with technical advice and information. An ex officio member shall not be entitled to vote on any question to be determined by the committee, board or commission, nor shall such ex officio member be considered a member for the purpose of establishing a quorum of any committee, board or commission. (Ord. 98-05 § 3(part), 1998)

2.42.070 MEETINGS.

A committee, board or commission shall hold regular meetings at such time and place as may from time to time be designated by the committee, board or commission, but meetings need not be held if no business is pending. The chair of a committee, board or commission, or the city employee, who is an ex officio member of the committee, board or commission, may call a special meeting of the committee, board or commission. A notice showing the time, date and place of the committee, board or commission meeting shall be posted in City Hall and five other public places within the city at least twenty-four hours before the meeting.

2.42.080 PROCEDURE.

A committee, board or commission shall establish its own rules and order of business. An appeal or quasi-judicial committee, board or commission shall establish reasonable rules and regulations governing proceedings before the committee, board or commission. In all matters of procedure not covered by rules adopted by the committee, board or commission, Robert's Rules of Order shall be applicable and govern. (Ord. 98-05 § 3(part), 1998)

2.42.090 CONFLICT OF INTEREST.

No member of a committee, board or commission may vote on any question upon which he has a substantial direct or indirect financial interest. No member shall represent any person before the committee, board or commission of which he/she is a member.
(Ord. 98-05 § 3(part), 1998)

2.42.100 QUORUM.

A majority of the voting members of a committee, board or commission shall be a quorum for the transaction of business. In the absence of a quorum for the transaction of business, any number less than a quorum may recess a meeting to a later time or date. (Ord. 98-05 § 3(part), 1998)

2.42.110 EXECUTIVE SESSION.

A committee, board, or commission may meet in executive session in the manner provided and for the reasons set forth in Alaska Statute 44.62.310. (Ord. 98-05 § 3(part), 1998)

2.42.120 REPORTS AND MINUTES.

The committee, board or commission shall keep minutes of the committee, board or commission proceedings and such minutes shall record the vote of each member upon every question. The minutes shall immediately be filed in the office of the city clerk and shall be a public record open to inspection by any person. Each committee, board and commission shall prepare an annual report to be submitted to the mayor and council prior to July 31st summarizing the activities and business of the committee, board or commission during the preceding twelve-month period ending June 30th. (Ord. 98-05 § 3(part), 1998)

2.42.130 APPEAL.

An action or decision of a committee, board or commission may be appealed to the council within ten days by filing with the mayor a written notice of appeal expressly setting forth the grounds of the appeal unless otherwise provided for by ordinance. The mayor shall place the appeal on the next council meeting agenda and the council may continue on the appeal hearing up to thirty days. After a hearing on the record, the council may, in whole or part, affirm, modify or deny any appeal. (Ord. 98-05 § 3(part), 1998)

CHAPTER 2.44 - HEALTH AND SAFETY COUNCIL

2.44.010 ESTABLISHED-PURPOSE.

There is established the health and safety council (referred to in this chapter as HASC) for the city to constitute a department of the city and to perform the city-wide functions of planning and coordinating health and safety issues, and to advise the chief executive officer and city council of them. (Ord. 91-16 § 4(part), 1991)

2.44.020 MEMBERSHIP.

HASC shall consist of five members: one volunteer fire department member, one member of emergency medical services department, and three qualified city voters from the community. Members shall be appointed by the chief executive officer, subject to confirmation by the city council, for a term of three years. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the HASC and its staff are paid as directed by the city council. In the event an HASC is not appointed or fails to serve, the city council shall sit as and shall perform the duties of the HASC. (Ord. 98-19 § 4(part), 1998; Ord. 97-29 § 3, 1997: Ord. 91-16 § 4(part), 1991)

2.44.030 HASC OFFICERS.

HASC shall elect a chairperson to conduct the affairs of the council, a vice chairperson/clerk to serve as chairperson in his absence and to prepare the journal of HASC meetings. (Ord. 98-19 § 4(part), 1998: Ord. 91-16 § 4(part), 1991)

2.44.040 VACANCIES.

A. A vacancy shall be declared, and filled as provided in this chapter, under the following conditions:
   1. If a person appointed and confirmed to membership fails to qualify and take office within thirty days following confirmation;
   2. If a member is absent from the city for a period of ninety or more days, unless excused by HASC, or moves his residence from the city's voting precinct for a period of ninety or more days;
   3. If a member resigns and the resignation is accepted by HASC;

4. If a member misses three or more consecutive regular meetings, unless excused by HASC.
5. If the city council, by motion and vote, determines that a member's removal and replacement is necessary for the efficient or effective function of HASC.

B. The clerk shall keep attendance records and notify the chairperson when vacancies occur. (Ord. 91-16 § 4(part), 1991)

2.44.050 MEETINGS.

A. A regular meeting shall be held on the first Tuesday of each month. Special meetings and workshops shall be called by the HASC chairperson or may be called at the request of two HASC members, the chief executive officer or two city council members.

B. The clerk shall keep the journal of HASC proceedings, which shall be public record. Minutes, resolutions, written recommendations and other written records shall be filed with the city clerk.

C. Meetings shall be conducted under Robert's Rules of Order, or such modified or amended rules as may be adopted by HASC.

D. A proposed agenda of all regular meetings shall be posted at City Hall, in a place that is available for reading by the general public, at least forty-eight hours before the regular meeting.

E. Printed notices that announce workshops of HASC shall be posted at City Hall and in no less than five other prominent places within the city no less than twenty-four hours before the workshop is held. Proposed subjects to be discussed at the workshop shall be set forth in the notice. Other subjects not listed in the notice may be discussed at workshops. (Ord. 99-22 § 6, 1999: Ord. 98-19 § 4(part), 1998; Ord. 91-16 § 4(part), 1991)

2.44.060 ORDER OF BUSINESS.

A. The order of business at regular meetings shall be:
   1. Call to order,
   2. Roll call,
   3. Approval of minute of previous meetings,
   4. Reading and disposition of all correspondence,
   5. Unfinished business,
   6. New business,
   7. Miscellaneous business.

B. The order of business at special meetings shall be prescribed by the chairperson.

2.44.070 VOTING-QUORUM.

Three HASC members constitute a quorum. Three affirmative votes are required for passage of a resolution or motion. No official action may be taken by HASC unless a quorum is present in a legally convened meeting of HASC. (Ord. 98-19 § 4(part), 1998: Ord. 91-16 § 4(part), 1991)

2.44.080 OFFICE AND STAFF.

HASC shall be provided with office space by the city council which is adequate for its needs and adequate to file its correspondence and materials, all of which shall constitute public records of the city.(Ord. 91-16 § 4(part), 1991)

2.44.090 WRITTEN RECOMMENDATIONS.

Recommendations of the HASC shall be submitted in writing to the chief executive officer and/or city council (whichever is applicable) for consideration. If the chief executive officer and/or city council concur with the recommendation, the applicable party will prepare or cause to be prepared a resolution, ordinance or administrative directive or take other appropriate action necessary to implement the HASC recommendation. (Ord. 98-19 § 4(part), 1998: Ord. 91-16 § 4(part), 1991)

2.44.100 FUNDS.

All funds HASC receives as fees and charges or otherwise shall be deposited into the general fund account of the city as receipts of the activities of HASC. All costs of HASC shall be paid by the city and shall be an operating cost of the city and shall be included in each annual budget ordinance.

2.44.110 HEALTH AND SAFETY FUNCTIONS.

The HASC functions are as follows:

A. To advise and assist the chief executive officer and city council in coordinating the services of the health clinic (when the clinic is operated and managed by the city), volunteer fire department, law enforcement department and emergency medical services department;

B. To investigate and report to the chief executive officer or city council matters involving, but not limited to, health and safety training; health and safety equipment; communications systems; health and safety facilities; visiting health services; and national, state and local health and safety issues;

C. To investigate and recommend to the chief executive officer or city council such ordinances or resolutions as the health and safety council deem necessary and proper to protect the health and safety of local citizens;

D. To recommend to the chief executive officer, subject to confirmation by the city council, appointments to island, regional and state-wide health and safety related groups, i.e., community organized health options (COHO);

E. To investigate and recommend to the chief executive officer or city council policies for the health clinic, volunteer fire department, law enforcement department and emergency medical services department;

F. To act as an advisory council to the chief executive officer and city council regarding health clinic, volunteer fire department, law enforcement department and emergency medical services department matters; and

G. To assist, when requested, the chief executive officer and city council with matters regarding general health and safety issues.

(Ord. 98-19 § 4(part), 1998: Ord. 91-16 § 4(part), 1991)

CHAPTER 2.48 PLANNING COMMISSION

2.48.010 ESTABLISHED-PURPOSE.

There is established the planning commission for the city to constitute a department of the city and to perform the city-wide functions of planning, platting and zoning for the city, and to advise the chief executive officer and city council of them. The City Council may perform any one or all of the city-wide functions of planning, platting and/or zoning. The Chief executive officer or his delegate shall serve as the city planning official until such time as he appoints, and the City Council confirms another to perform that function. (Ord. 92-18 § 4(part), 1992: Ord. 85-02-14-01 § 10, 1985)(Ord. 12-04-03-01)

2.48.020 COMMISSION MEMBERSHIP.

A. The planning commission shall consist no more than 11 and no less than five qualified city voters from the community.

B. Members of the commission must keep current any accounts held with the city (i.e., utilities, lease payments, rents, sales tax, etc.) any member whose accounts fall into delinquency may be removed from the commission by the chief executive officer. City Council will consider financial or other hardship.

C. Any person declaring candidacy for the planning commission shall not be considered until the persons accounts are made current. City Council will consider financial or other hardships.

D. Members shall be appointed by the chief executive officer, subject to confirmation by the city council, for a term of three years. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the chief executive officer.

(Ord. 02-06-06-02 § 4 (part), 2002: Ord. 92-18 § 4(part), 1992: Ord. 88-33 § 4, 1988; Ord. 85-02-14-01 (part), 1986: Ord. 85-02-14-01 § 20, 1985) (Ord. 12-04-03-01)

2.48.025 COMPENSATION OF PLANNING COMMISSION OFFICIALS.

Each member of the planning commission shall receive a compensation at the rate of twenty-five ($25.00) dollars for each regular meeting attended to consider applications per the City Municipal Code. No compensation shall be paid for attending special meetings unless prior approval by City Council.

2.48.030 COMMISSION OFFICIALS.

The commission shall elect a chairperson to conduct the affairs of the commission, a vice chairperson to serve as chairperson in his absence, a clerk to cause the preparation of the journal of the commission's proceedings, and an assistant clerk to serve as clerk in his absence. (Ord. 92-18 § 4(part), 1992: Ord. 85-02-14-01 § 30, 1985)

2.48.040 VACANCIES.

A. A vacancy shall be declared, and filled as provided in this chapter, under the following conditions:

1. If a person nominated and confirmed to membership fails to qualify and take office within thirty days following confirmation;
2. If a member is absent from the city for a period of ninety or more days, unless excused by the commission, or moves his residence from the city's voting precinct for a period of ninety or more days;
3. If a member's resignation is submitted and accepted by the commission;
4. If a member misses three or more consecutive regular meetings, unless excused by the commission;
5. If, after written notice to the commission, the city council, by motion and vote, determines that a member's removal and replacement is necessary for the efficient or effective functioning of the commission.

B. The clerk shall keep attendance records and notify the chairperson when vacancies occur. (Ord. 92-18 §4(part), 1992: Ord. 90-19 §5(part), 1990; Ord. 85-02-14-01 §40, 1985)

2.48.050 MEETINGS.

A. A regular meeting shall be held to consider applications and scheduled per City Municipal Code. Special meetings and workshops may be called by the commission chairperson or at the request of two commission members, the chief executive officer or two city councilmembers.

B. The clerk shall keep the journal of commission proceedings, which shall be public record. Minutes, resolutions, written recommendations and other written records shall be filed with the city clerk.

C. Meetings shall be conducted under Robert's Rules of Order Newly Revised, or such modified or amended rules as may be adopted by the commission.

D. A proposed agenda of all regular meetings shall be posted at City Hall, in a place that is available for reading by the general public, at least forty-eight hours before the regular meeting.

E. Printed notices that announce workshops of the commission shall be posted at City Hall and in no less than five other prominent places within the city no less than twenty-four hours before the workshop is held. Proposed subjects to be discussed at the workshop shall be set forth in the notice. Other subjects not listed in the notice may be discussed at workshops. (Ord. 04-08-03-01 §4, 2004; Ord. 99-23 §6, 1999: Ord. 92-18 §4(part), 1992: Ord. 90-19 §§4(part), 5(part), 1990)

2.48.055 VOTING--QUORUM.

A majority of commission members constitutes a quorum. A majority of affirmative votes are required for passage of a resolution or motion. No official action may be taken by the commission unless a quorum is present in a legally convened meeting of the commission. (Ord. 02-06-06-02 §4(part), 2002: Ord. 92-18 §4(part), 1992: Ord. 90-19 §5(part), 1990)

2.48.060 ORDER OF BUSINESS.

A. The order of business at regular meetings shall be as prescribed by the commission clerk and approved by the commission.

B. The order of business at special meetings shall be prescribed by the chairperson.

(Ord. 92-18 §4(part), 1992: Ord. 85-02-14-01 §60, 1985)

2.48.070 OFFICE AND STAFF.

A. The commission shall be provided office space by the city council which is adequate for its needs and adequate to file its correspondence and materials, all of which shall constitute public records of the city.

B. The commission shall be furnished secretarial assistance at each meeting to assist in preparing its journals and resolutions, and as required to prepare its correspondence under the direction of the commission chairman and clerk. (Ord. 92-18 § 4(part), 1992: Ord. 85-02-14-01 § 70, 1985)

2.48.080 FORMAL COMMISSION ACTS.

A. All formal actions of the commission shall be by duly approved motion or resolution. Resolutions shall be in the following format:

1. The heading "City of Thorne Bay, Planning Commission";
2. The space for the serial number to be assigned shall be headed by "Resolution No. ";
3. A short and concise title descriptive of its subject and purposes;
4. Short premises, or whereas clauses, descriptive of the reasons for the resolution, if necessary;
5. The resolving clause "BE IT RESOLVED"; and
6. Provision for signatures after the text, "ADOPTED (date)," and designated lines for the signatures of the commission chairperson and the commission clerk.

B. All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of and instance of the commission, shall conform to that set forth in subsection A of this section. (Ord. 92-18 § 4(part), 1992: Ord. 85-02-14-01 § 80, 1985)

2.48.090 FUNDS.

All funds the commission receives as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission. All costs of the commission shall be paid by the city and shall be an operating cost of the city and shall be included in each annual budget ordinance. (Ord. 92-18 § 4(part), 1992: Ord. 85-02-14-01 § 90, 1985)

2.48.100 PLANNING COMMISSION DUTIES.

The planning commission shall:

A. Subject to Title 17 of this code, prepare and submit to the city council a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the city. Annually the commission shall review the comprehensive plan and shall recommend appropriate amendments, if any, to the city council.

B. Prepare, review, recommend and administer measures necessary to implement the comprehensive plan, including measures provided under AS 29.40.040 and such other land use control measures as the planning commission deems necessary to supplement zoning regulations, land use permit requirements and measures to further the goals and objectives of the comprehensive plans.

C. Prepare and recommend to the city council a subdivision ordinance and the official map of the city and any recommended modifications to these documents.

D. Publish notice of and hold at least one public hearing before submitting the commission's recommendations under subsections A, and B of this section to the city council.

E. Upon adequate notice which shall be provided by the chief executive officer, review annually the capital improvements program of the city and submit the commission's recommendations thereon to the chief executive officer on or before the due date specified in the notice.

F. Investigate and prepare, upon city council or chief executive officer request, reports and recommendations on city land acquisitions, disposals and development. The report and recommendation shall be based upon the provisions of this chapter, the comprehensive plan and the capital improvements program.

G. Subject to and in accordance with the provisions of Titles 15, 16 and 17 of this code, act as the platting board, act upon requests for variances and act upon requests for conditional uses. No platting request, variance or conditional use may be granted which violates the provisions of AS Section 29.40.040 or Sections 16.36.010 and 16.36.020 of this code.

H. In the absence of a Streets and Roads Commission, the Planning Commission shall perform all of the duties of the Streets and Roads Commission as set forth in TBMC Chapter 12.09-Streets and Roads Commission. (Ordinance 19-07-16-02)

I. Act as an advisory commission to the chief executive officer and city council regarding planning, platting and zoning. (Ordinance 19-08-20-01; Prior Ord. 92-18 § 4(part), 1992: Ord. 90-19 §§ 4(part), 5(part), 1990)

CHAPTER 2.52 DOCUMENTS

2.52.010 DOCUMENTS-APPROVAL-ATTESTATION.

All legal documents transferring title to real property of the city or personal property having a value of more than two thousand dollars at the time of transfer require the assent of the city and shall be:

A. Approved by the city council;

B. Signed by the mayor on behalf of the city;

C. Attested to thereon by the city clerk. (Ord. 98-06 § 3, 1998; prior code Ch. 11 § 1)

2.52.020 FILING WITH STATE.

The city shall file with the State Department of Community and Regional Affairs:

A. Maps and descriptions of all annexed or excluded territory;

B. A copy of an audit or statement of annual income and expenditures;

C. Tax assessment figures as requested. (Prior code Ch. 11 § 2)

2.52.030 PUBLIC RECORDS-RETENTION-DISPOSAL.

A. Record Retention Program-Records Retention Schedule. The mayor shall prepare a schedule of records specifying the records to be:

1. Retained permanently;

2. Destroyed;

3. Disposed of routinely in the regular course of public business.

B. The records retention schedule shall list with sufficient detail for identification records without legal or administrative value or historical interest to be destroyed, and periodically disposed of by the city. Records to be destroyed shall be certified by the city clerk as having no legal or administrative value or historical interest. (Prior code Ch. 11 § 3)

CHAPTER 2.56 - CITY PROPERTY SECTIONS:

ARTICLE I. REAL PROPERTY ACQUISITION

2.56.010 ACQUISITION AND OWNERSHIP-AUTHORITY.

The city may acquire, own and hold real property within or outside the city boundaries by any lawful means or conveyance.(Ord. 85-06-13-02 § 1.01, 1985)

2.56.020 REAL PROPERTY DEFINED.

As used in this chapter, "real property" includes any estate in land, tideland, submerged land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture or any other right, title or interest in land or a building. (Ord. 98-15 §§ 3(part), 4(part), 1998: Ord. 85-06-13-02 § 1.02, 1985)

2.56.030 ACQUISITION-FORM.

A. The city may acquire, own and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will or any other lawful method or mode of conveyance or grant. Real property shall be held in the name of "The City of Thorne Bay, Alaska." Any instrument requiring execution by the city shall be signed by the mayor and attested by the city clerk.

B. Only upon a specific resolution of the city council, may the mayor act on its behalf in the acquisition of real property or interest in real property when the property to be acquired is for a valuable consideration.

C. Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal or other estimate of the property value of the real property, or a review of any problems in acquisition, but the failure to furnish the council with such material shall not affect the validity of any acquisition or purchase of real property by the city.

D. Unless otherwise provided by council, the city shall purchase marketable title in the real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments and to take all steps necessary to complete and close the purchase and acquisition of the real property. (Ord. 16-03-01-02)

2.56.040 EMINENT DOMAIN-AUTHORITY.

A municipality may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the municipality under the procedures set out in AS 09.55.250 through 09.55.460. In the case of a second-class city, the exercise of power of eminent domain or declaration of taking must be by ordinance that is submitted to the voters at the next general election or at a special election called for the purpose. A majority of the votes on the question is required for approval of the ordinance. (Ord. 88-34 § 5, 1988)

2.56.050 EMINENT DOMAIN-ADVERSE POSSESSION.

The city cannot be divested of title to real property by adverse possession. (Prior code Ch. 45 § 2)

2.56.060 ACQUISITION AND OWNERSHIP-RIGHTS AND POWERS.

The city shall have and may execute all rights and powers in the acquisition, ownership and holding of real property as if the city were a private person. (Ord. 85-06-13-02 § 1.04, 1985)

2.56.070 ACQUISITION-DEDICATION OF PLAT.

The city may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in writing and signed by the mayor. (Ord. 85-06-13-02 § 1.05, 1985)

2.56.080 INDUSTRIAL SITES.

The city may acquire, own and hold real property, either inside or outside the city boundaries, for sites available for new industries or expanding industries which will potentially enhance the revenues of the city and its residents. (Ord. 85-06-13-02 § 1.06, 1985; Ord. 16-03-01-02)

2.56.090 FEDERAL AND STATE AID.

The city may apply for, contract and do all things necessary to cooperate with the United States Government and the state of Alaska for the acquisition, holding, improvement or development of real property within and outside the city boundaries. (Ord. 85-06-13-02 § .07, 1985)

2.56.100 REAL PROPERTY AS SECURITY.

The city council may pledge, mortgage or otherwise secure city real property for the payment of city bonded or other indebtedness when required, as authorized by law. (Ord. 85-06-13-02 § 1.08, 1985)

ARTICLE II. REAL PROPERTY SALES BY THE CITY

2.56.110 APPLICABILITY.

The provisions of this chapter shall constitute the formal procedures for the sale or other permanent disposal of real property or an interest in real property owned by the City of Thorne Bay.

2.56.120 COMMENCEMENT.

A. The disposal process will commence upon, and be further governed and controlled by, a non-code ordinance consistent with the procedures set forth herein, and such other terms or conditions as the council may determine, identifying the particular land to be disposed of and the particular disposal method to be used.

B. Lands may not be sold or otherwise permanently disposed of until the land has been classified or zoned and the council had determined (in a non-code ordinance) that the disposal and subsequent use of the land is in the city's best interest.

C. Where a public hearing reveals that a particular upland or tideland disposal may have significant and widespread public opposition, the council may, but is not required to do so, obtain approval of the disposal by the qualified voters of the city.

2.56.130 WITHOUT WARRANTY.

Real property sold, traded, or exchanged shall be conveyed by the city without warranty; except in cases where a land trade with the federal government cannot proceed unless the city agrees to warrant title to the land being traded by the city, and any such warranty shall be supported by title insurance.

2.56.140 APPRAISAL REQUIRED – MINIMUM PRICE.

Except as otherwise provided in this chapter, the mayor or the mayor's designee may sell, exchange or otherwise dispose of real property, or an interest therein, only after appraisal of the fair market value thereof by a qualified appraiser obtained by the city and conducted within thirty-six (36) months before the date of the sale, or the use of a comparable property appraisal or sale

within the last thirty-six (36) months may be used to determine the value of the property as determined by a vote of the city council. The price shall be as directed by the city council. If the Council determines that an appraisal is not feasible or will delay the acquisition of the property, and the council determines it otherwise has sufficient information to complete the transaction as in the best interests of the City, the Council may complete the transaction without an appraisal from a qualified appraiser.

2.56.150 DISPOSAL METHODS.

A. Methods. Land may be disposed of by sealed competitive bid, auction, over-the-counter offerings of unsold remnants of equal value, exchange, negotiated sale, or such other lawful methods as the council may approve by non-code ordinance for the specific disposal.

B. Negotiated Sales and Exchanges. Upon authorization by the council by non-code ordinance, the Mayor or City Administrator may commence negotiations for the sale or exchange or another disposal of city land. The final terms of a negotiated disposal are subject to approval by the council unless the minimum essential terms and the authority of the mayor to execute the disposal are set forth in the ordinance authorizing negotiations. The negotiated disposal may not be executed until the effective date of the ordinance.

C. Competitive bidding not required. The mayor or the mayor's designee, after council approval by non-code, non-emergency ordinance, may sell exchange or otherwise dispose of the following real property or an interest therein, without giving an opportunity for competitive bidding.

   1. Real property, or an interest therein, to be exchanged for other real property, or an interest therein, which is determined by an appraisal prepared by a qualified appraiser obtained by the city to be at least equal in value to the city owned property or the interest therein that is to be exchanged, or appraisal or sale of a comparable parcel within the last thirty-six (36) months and approved by the city council, or if the city's property is determined to be greater in value, if the difference is made up in cash or additional property of equivalent value. The equal-value requirement is not mandatory in transactions with other government entities. The person receiving the city owned property or interest to be exchanged shall pay the cost of the appraisal, plus survey, platting, recording and all other costs to the city attendant to the transaction; except where the exchange is with a governmental entity whose rules prohibit such payment.

   2. Sale, lease, donation, exchange or other transfer of real property, or an interest therein, to or with another municipality, a state, or the United States, when and under such terms and conditions as the council, in its sole judgment, deems advantageous to the city.

3. Parcels of real property that are adjacent to an existing parcel or that are substandard in size may be disposed of by sale or exchange to the legal owner of adjoining property, with such adjoining parcel to be then re-platted to incorporate therein such parcel sold or exchanged. That the sale price or exchange value shall be at least equal to the fair market value of the city-owned or interest therein transferred which may be determined by using the current assessed value of the property, or appraisal of a comparable parcel within the last thirty-six (36) months and approved by the city council.
4. Easements may be released to the legal owner of the servient property when and under such terms and conditions as the council, in its sole judgment, deems advantageous to and in the best interest of the city. (Ord. 16-03-01-02)

2.56.160 DISPOSALS FOR PUBLIC USE.

A. Disposal to Governmental Agency. The sale or disposal of land may be made to a state or federal agency for less than the appraised value, provided the council approves the terms and conditions of such disposal by ordinance.

B. Disposal to nongovernmental agency. The sale, lease or disposal of city land may be made to a private, nonprofit corporation at less than fair market value, provided the disposal is approved by the council by ordinance adopted after fourteen days public notice and the land or interest in land is to be used solely for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service, which could reasonably be provided by the state or the city. (Ord. 16-03-01-02)

2.56.170 DISPOSAL PROCEDURES.

A. Conduct of Sale. The mayor or his designee shall conduct sales in accordance with the ordinance approved by the council for a specific sale. The mayor or his designee shall prescribe the procedures for the conduct of the sale to the extent not provided by this chapter or otherwise prescribed by the council for a specific sale.

B. Advertisement for any parcels requiring competitive bidding.

1. The city shall publish notice in a newspaper of general circulation once per week for two weeks and the notice in at least three public places within the city at least thirty days prior to the sale date. The notice shall contain a general description of the types and locations of the parcels available, the terms and conditions of purchase, the last day upon which a person may register for the sale, the date, time and place of any sale

activities, and the name, address and telephone number of the person or office to contact for sale or registration forms and further information.

2. Public notice as set forth above shall be required prior to all sales or other permanent disposals.

C. Qualifications. To qualify to purchase city lands, an individual must be eighteen years of age or older; a corporation must be registered to do business in the state. No person, corporation or other entity may register or bid if they have failed to remedy a default on a prior sale or lease of city real property, or if they have failed to pay in full the amount of any judgment obtained against them by the city from a court of law or are delinquent on ay accounts owed to the City.

D. Conditions of Sale.

1. The buyer shall pay all closing costs, including fees for preparation of documents, escrow fees and recording fees.

2. The city reserves the right to require, in the event the buyer desires to remove or cause to be removed, merchantable timber, sand or gravel, or other materials, that prior to commencement of such activity, the entire remaining principal and accumulated interest, or any unpaid portion of the purchase price, be paid in full to the city and the buyer enter an agreement to defend and indemnify the City for any and all actions taken by the buyer.

3. The city council shall consider placing restrictive covenants, reversionary clauses, performance bond requirements, or other similar restrictions in the deeds, or require the submission of a development plan when deemed reasonably necessary to protect the public health and welfare or to uphold the city's ordinances, or other officially adopted land use plans.

E. Subsequent Transfers. Any subsequent transfer or sale of the property by the buyer prior to full payment therefore shall require the prior written approval of the city, followed by the transferee's personal guarantee for and assumption of any remaining balance on the original buyer's promissory note and the original buyer's deed of trust to the city. The city may withhold approval based on lack of credit worthiness of the proposed transferee or other commercially reasonable grounds, in which case the sale or transfer shall not be made unless the entire remaining balance due the city is paid in full either prior to or as part of the buyer's sale transaction. The city will not approve a transfer to an LLC without all the members of an LLC signing an agreement to personally guarantee the remaining balance on the promissory note to the City. (Ord. 16-03-01-02)

ARTICLE III. LONG TERM LEASE OR SHORT-TERM LEASE OF CITY- OWNED REAL PROPERTY

2.56.190 LANDS AVAILABLE FOR LEASING-CLASSIFICATION OF LANDS.

A. All lands and interest in land owned by the city, including tide and submerged lands, may be leased or rented as hereinafter provided. Thorne Bay RV Park, Thorne Bay Harbor Facilities, Parking and other service rented by the day, week, month or year are regulated in other sections of the Thorne Bay Municipal Code.

B. Before accepting applications to lease lands, the city shall have zoned by ordinance or otherwise classified the lands in question for leasing and for particular land uses. No lease shall be granted except for the particular uses for which the tract is zoned or classified. The classification of a tract of leased land may be changed by ordinance after consideration by the city.

C. No city-owned property shall be leased or otherwise developed prior to the assignment of a particular zone or the repeal of the reserved use classification.

D. Long Term Lease. A long-term lease herein referred to as "Lease" may not exceed 30 years.

E. Short Term Lease. A short-term lease herein referred to as "Rental Agreement" may not exceed 5 years. The City may in its discretion require amendments or revisions to the lease as a condition of approval for extension. Short term leases are subject to the specific short-term lease terms set forth in Article III.

F. Tideland Lease. Tideland leases may not exceed 99 years. A Tideland Lease herein referred to as "Municipal Tideland Lease" may not exceed 99 years. Long term leases are subject to terms set forth in article iii. (Ordinance 20-10-12-01; Prior Ord. 16-03-01-02)

2.56.200 LEVELS OF APPROVAL REQUIRED.

A. Except as provided in subsection B and C, leases of city-owned property shall be authorized by non-code ordinance.

B. Leases valued at ten thousand dollars or less and for a lease term (including the lessee's rights of renewal) of 5 years or less, and involving two acres or less, may be authorized by the council by resolution.

C. All short-term leases or rental agreements may be authorized by the city council.

2.56.210 RENT.

A. Rent for short term leases and lands leased for public use, shall be derived through negotiations with the City based on the best interest of the city. All monthly or annual rents or

lease payments shall be reviewed and adjusted, at a minimum, every five (5) years unless provisions provide for automatic adjustments to the rent or lease payments.

B. Public Use. City lands may be leased or rented to any state or federal agency or political subdivision of the state or to a nonprofit organization and for a consideration determined by the council to be in the best interest of the city.

C. Appraisal. With the exception of the public uses described in paragraph B of this section, the City Council may determine it is in the best interest of the city, that prior to leasing of land, or renewal of a lease that the land be appraised according to Municipal Code, but the council is not required to obtain an appraisal.

D. Short Term Leases. With the exception of the public uses described in paragraph B of this section, all lands leased through a short-term lease "rental agreement", or a renewal lease issued therefore, shall be negotiated by the city and approved by the city council. (Ord. 16-03-01-02)

2.56.220 TERM OF LEASES.

A. Any Long-Term Lease will be negotiated between the applicant and the city and be for a term not to exceed 30 years with the option of renewal, in the sole discretion of the City, for a period not to exceed 30-year increments and with such revisions and amendments as deemed by the City in the best interest of the City. The applicant shall state in the application the term desired. In determining whether to grant a lease for the requested term, the council shall consider the nature, extent and cost of the improvements which the applicant agrees as a condition of the lease to construct and the value of the other relevant factors. The term of any given lease shall depend upon the desirability of the proposed use, the amount of investment and improvements proposed to be made by the lessee, and the nature of the improvements proposed with respect to the durability and time required to amortize the proposed investment.

B. Any Short-Term Lease will be negotiated between the applicant and the city and be for a term not to exceed 5 years with the option of renewal in the sole discretion of the City, for periods not to exceed 5 years and with such revisions and amendments as deemed by the City in the best interests of the City. The applicant shall state in the application the term desired. In determining whether to grant an agreement for the requested term, the council shall consider the nature, extent and cost of the improvements which the applicant agrees as a condition of the rent to construct and the value of other relevant factors. The term of any given rental agreement shall depend upon the desirability of the proposed use, the amount of investment and improvements proposed to be made by the renter, and the nature of the improvements

proposed with respect to the durability and time required to amortize the proposed investment.

C. Any Municipal Tideland Lease will be negotiated between the applicant and the city and be for a term not to exceed 99 years with the option of renewal, in the sole discretion of the city, for a period not to exceed 99-year increments and with such revisions and amendments as deemed by the city in the best interest of the city. The applicant shall state in the application the term desired. In determining whether to grant a lease for the requested term, the council shall consider the nature, extent and cost of the improvements which the applicant agrees as a condition of the lease to construct and the value of the other relevant factors. The term of any given lease shall depend upon the desirability of the proposed use, the amount of investment and improvements proposed to be made by the lessee, and the nature of the improvements proposed with respect to the durability and time required to amortize the proposed investment. (Ordinance 20-10-12-01; Prior Ord. 16-03-01-02)

2.56.230 PUBLIC NOTICE.

Public Notice for competitive leasing shall be given as stated in Section 2.56.230 of the Thorne Bay Municipal Code. A Thirty-day notice shall be given by posting notice thereof in three public places and by publication in a newspaper of general circulation twice. The notice must contain the name of the applicant, a brief description of the land, its area and general location, proposed use, term, computed annual minimum rent, limitations if any, a declaration stating the particular method of disposal to be used and the time and place set for a hearing on the proposed lease. (Ord. 16-03-01-02)

2.56.240 LEASING LAND - NEGOTIATED OR COMPETITIVE

A. Negotiated leasing may be conducted with a single prospective lessee or renter through the use of resolution.

B. Competitive leasing may be conducted if determined by the city, though a non-code ordinance and competitive bidding requirements. (Ord. 16-03-01-02)

2.56.250 APPLICATIONS, FEES, TERMS, AND PAYMENTS FOR COMPETITIVE BIDDING.

Unless otherwise provided by the council in the ordinance or resolution authorizing the lease of specific lands, the following procedures shall be followed for competitive bidding:

A. Qualifications of applicants or bidders. An applicant or bidder for a lease is qualified if the applicant or bidder:
   1. Is eighteen years or age or over;
   2. Is a group, association, partnership or corporation which is authorized to conduct business in the State of Alaska; or
   3. Is acting as an agent for another meeting one of the above criteria and has qualified by filing with the administrator or his designee, prior to the time set for the disposition, a power of attorney or a letter of authorization creating such agency. The agent shall represent only one principal, to the exclusion of himself.

B. Applications for lease. All applications for lease of lands shall be filed with the City Clerk on forms provided by the city. Only forms completed in full and accompanied by a one hundred dollar ($100.00) nonrefundable filing fee will be required for filing. Applications that qualify as a public use as defined in 2.56.210 (B) may be exempted from the filing fee. With every application the applicant shall submit a development plan showing and stating:
   1. The purpose of the proposed lease;
   2. The use, value and nature of improvements to be constructed;
   3. The type of construction;
   4. Dates construction is estimated to commence and be completed; and
   5. Whether the intended use complies with the zoning and the Thorne Bay land use code.

C. Deposits for Cost. All applications filed with the city clerk will be forwarded to the administrator to determine estimated costs required to handle the application, including, but not limited to one or more of the following: survey, appraisal, and advertising of the proposed lease of the area under application. Upon determination of the estimated costs, the administrator shall notify the applicant in writing of such costs, and a deposit must be made within thirty calendar days after the notice is mailed. Failure of the applicant to pay the deposit shall result in the application being cancelled. If the applicant does not accept a lease within thirty-calendar days after it is offered to the applicant, all deposit money spent or encumbered for survey, appraisal or advertising shall be forfeited, and the balance, if any, shall be returned to the applicant. If the land applied for is leased to another, the latter shall be required to pay actual costs of survey, appraisal and advertising, and the original deposit shall be returned to the depositor. The lessee shall be required to pay any excess of costs over deposits, and where the deposit exceeds actual costs, the excess shall be credited to present or future rents under the lease. All survey, appraisal and advertising shall be

performed only under the control of the city, and any such work done without such control will not be accepted by the city. Those applications defined as a public use in 2.56.210 may be exempted from the requirements of this subsection. (Ord. 16-03-01-02)

2.56.260 COMPETITIVE BIDDING -- APPEALS.

A. Where competitive bidding is used, the city may either require written sealed bids stating the annual rental amount offered or hold an auction on the rent amount. Only applicants who have completed the application requirements to the city's satisfaction (including submittal of a development plan and the deposits for cost) shall be qualified to bid. The City may base its award of lease on a combination of factors (including the development plan and the extent to which the proposed project will meet community needs) rather than solely upon rental amount bid. The city reserves the right to reject all bids and return the deposits to the applicants.

B. Appeal. In cases involving competitive bidding, an aggrieved bidder may appeal the determination of the winning bid to the council with five days (excluding Saturday and Sunday) following such determination. Such appeals must be in writing, signed and notarized and contain a complete statement of the grounds for appeal. The council shall within thirty days after receipt of a timely appeal review the asserted grounds for appeal and rule on the appeal. The council's decision shall be final.

C. Lease to Successful Bidder. Following the appeal period or the council's ruling, the city administrator shall notify the successful bidder that the city is prepared to issue the lease. The bidder shall be given thirty calendar days from date of mailing the notice in which to remit to the city clerk any bid balance. Failure to do so shall result in forfeiture of any and all rights previously acquired in the proposed lease, and in addition, any monies paid or deposited with the city shall be forfeited.

D. Issuance of Lease. After expiration of the appeal period, or after the ruling on the appeal to the council, the administrator shall cause a lease to be issued and executed containing such terms as the council shall have established. (Ord. 16-03-01-02)

2.56.270 NEGOTIATED LEASES.

The city administrator may commence negotiations with a single prospective lessee for the lease of city land. The final terms of a negotiated lease are subject to approval by the council through a resolution for short term lease and non-code ordinance for a long-term lease. The negotiated lease may not be executed until the effective date of the ordinance or resolution. (Ord. 16-03-01-02)

2.56.280 RIGHTS PRIOR TO LEASING.

A. The filing of an application for a short or long-term lease shall give the applicant no right to a lease nor to the use of the land applied for.

B. Any use of city-owned property not authorized by a short or long-term lease shall constitute a trespass against the city.

2.56.320 TERMS AND CONDITIONS OF LONG-TERM LEASES AND SHORT-TERM LEASES (RENTAL AGREEMENTS).

In addition to other applicable provisions of this code, the terms, conditions and covenants following as subsections

A. (A) through (W) of this section shall govern all long term leases and may govern short term leases (rental agreements) made under the provisions of this chapter and shall be as a matter of law incorporated in all such leases of land made, or issued by the city unless the council by resolution provides otherwise as to a specific lease, and are incorporated as though set out in full in the lease. Each lease shall contain such additional provisions as the council deems necessary to protect the public interest. Violation by the lessee of any duty of lessee's contained in subsections A through V shall be grounds for the city's termination of the lease, if, following written notice to lessee of lessee's breach, lessee has not in thirty days entirely remedied the breach to the city's satisfaction. All long term and short-term leases shall be reviewed every five years throughout the life of all leases. Additions, modifications, adjustments or changes may be made to all leases at the time of review.

B. Lease Utilization. Leased lands shall be utilized only for purposes within the scope of the applicable land use classification or zoning and the terms of the lease, and in conformity with the ordinances of the city, Federal and State Laws and Regulations. Utilization or development for other than the allowed uses shall constitute a violation of the lease and subject the lease to termination or cancellation by the city at any time.

C. Adjustment of Rent for long term or short-term leases. The annual rent payable pursuant to any lease becomes subject to adjustment by the council on the fifth anniversary of the date of the lease and at each five-year interval thereafter unless specified otherwise in the lease. The process upon which rents may be adjusted by the City Council will be determined prior to finalizing any lease.

D. Subleasing. The lessee may sublease lands, or any part thereof leased to him hereunder, provided that the lessee obtains the approval of the council to such sublease. Leases not having improvements thereon shall not be sublet. Subleases shall be in writing, and subject to the terms and conditions of the original lease and such further terms and conditions, as the council may deem proper including adjustments to rents and conditions. A copy of the sublease shall be filed with the city administrator.

E. Assignments. The lessee shall not assign the lease without prior approval of the City Council, which may impose terms and conditions on the assignment. The assignee shall be subject to all of the provisions of the original lease, and the assignor shall not be relieved of his obligations there under. A copy of any assignment shall be filed with the city administrator. The City Council will not approve an assignment to an LLC unless all the members of the LLC sign a personal guarantee for performance of the lease terms and conditions.

F. Modification. Any modification or amendment of a lease shall be in writing, signed by both the city and the lessee. Modification of any lease does not require authorization by ordinance or resolution where the lease was negotiated with a single prospective lessee.

G. Cancellation and Forfeiture.

1. Leases in good standing may be cancelled in whole, or in part, at any time, upon mutual written agreement by lessee and the council. Any lease may, at the council's option, include a term providing that the lease may be terminated by the lessee upon ninety days' notice in writing to the city before the end of an annual rental period unless stated otherwise in the lease.

2. If the lessee defaults in the performance or observance of any of the lease terms, covenants or stipulations, or any applicable term of this chapter, or any portion of the city code as applied to the property in question, the lessee is automatically in default on the lease by operation of law. Incurring debt with the City shall not constitute a default. If such default continues for thirty calendar days after service upon lessee of written notice of default by the city without remedy of lessee of the default, the council shall take such action as is necessary to protect the rights and best interests of the city, including the exercise of any or all rights after default permitted by the lease. Lessee shall not remove any improvements during the time the lessee is in default.

3. The city may terminate or cancel the lease if the land is used for any unlawful purpose.
4. Failure to make substantial use of the land, consistent with the proposed use, within one year shall with the approval of the council constitute grounds for termination or cancellation. This time period may be extended by the council by resolution or by council authorization to the administrator.

H. Site contamination Prohibited-Environmental Compliance Required.

1. Any violation, at the site of the leased land, by lessee, or by a third-party present upon the land with lessee's permission, of an environmental statute or regulation of the city, state or federal governments shall be grounds for immediate termination of the lease by the city, at the city's sole discretion. By entering into the lease, the lessee agrees not to make any claim for monetary damages against the city for lease termination or cancellation pursuant to this subsection.
2. The lessee shall at all times manage lessee's activities upon the leased lands, and the activities of third parties present with lessee's permission, so as to positively prevent any and all contamination of the site which would violate any Federal or State statute or regulation, which could subject the city to an enforcement action or any administrative proceeding by a state or federal agency, or which could subject the city to statutory or common law liability, diminish the value of the land, or cause city expenditures for response costs or remediation costs caused by a hazardous substances release, discharge, or spill. The City shall have the right to inspect or otherwise enter on to the leased premises during the term of the lease to assure lessee's compliance with federal and State Environmental Laws and Regulations.
3. By entering into the lease, the lessee agrees to defend and indemnify the city from and against any and all claims of any kind and any nature, including death, by third parties (including governmental entities and industry pollution-based claims) brought against city arising out of or relating to in any way the use of the leased premises by the lessee or anyone on the leased premises by invitation or authorization of the lessee. This obligation to defend and indemnify the City shall extend beyond the term of the lease to any claim or action occurring during the term of the lease.
4. By entering into the lease, the lessee agrees to reimburse the city for any and all expenses reasonably incurred by the city (including any response, remediation or site cleanup costs) because of activities on the land during the period of lessee's lease, including the City's attorney's fees.

I. Rights of Mortgagee or Lien holder. In the event of cancellation or forfeiture of a lease for cause, the holder of a properly recorded mortgage of the improvements on the land shall be

given a duplicate copy of any notice of default in the same manner as notice is given the lessee, provided such mortgagee has given the city clerk notice of such mortgage and the mortgagee's address.

J. Payment of Annual Rentals. Unless otherwise provided by the council by ordinance or resolution, all rent, and lease payments shall be due and payable on the first of the month. Payments not made by the 10th of the month shall be considered delinquent.

K. Entry and Re-entry. In the event the lease is terminated, or in the event that the demised lands, or any part thereof, are abandoned by the lessee during the term,

1. The city or its agent or representative may, immediately or any time thereafter, reenter and resume possession of such lands or such part thereof and remove all persons and property there from either by summary proceedings or by a suitable action or proceeding at law without being liable for any damages, therefore. No reentry by the city shall be deemed an acceptance of a surrender of the lease.

L. Re-Lease. In the event that a lease is terminated, the city council may offer the lands for lease or other appropriate disposal pursuant to the provisions of this Chapter.

M. Forfeiture of Rental. In the event that the lessee terminates the lease because of any breach, the rental payment last made by the lessee shall be forfeited and retained by the city.

N. Written Waiver. The receipt of rent by the city with knowledge of any breach of the lease by the lessee, or of any default on the part of the lessee in observance or performance of any of the conditions or covenants of the lease, shall not be deemed to be a waiver of any provision of the lease. No failure on the part of the city to enforce any covenant or provision of the lease, nor any waiver of any right thereunder by the city unless in writing, shall discharge or invalidate such covenants or provisions or affect the right of the city to enforce the same in the event of any subsequent breach or default. The receipt by the city of any other sum of money after the termination in any manner, of the term demised, or after the giving by the city of any notice thereunder to effect such termination, shall not reinstate, continue or extend the resultant term therein demised, or destroy, or in any manner impair the efficiency of any such notice or termination as may have been given thereunder by the city to the lessee prior to the receipt of any such sum of money or other consideration, unless so agreed to in writing and signed by the city administrator.

O. Expiration of Lease. Unless the lease is renewed or sooner terminated, as provided herein, the lessee shall peaceably and quietly leave, surrender and yield up unto the Lessor all of the leased land on the last day of the term of the lease.

P. Renewal of Lease.

i. Upon the expiration of the term of any lease, or the cancellation of a lease by mutual consent of all parties, thereto, the council may grant a new lease to the lessee or his assignee who owns valuable improvements thereon, provided:
ii. The lessee or his assignee makes written application at least ninety days prior to such termination;
iii. The lessee is not in default under the lease;
iv. The use to which the land is to be put is compatible with the current use classification (or with such new classification as the council may adopt effective at the end of the current lease term) or with the applicable zoning provisions;
v. The lessee's improvements on the leased land are in compliance with applicable building codes, fire and safety codes;
vi. The lessee has complied with all requirements of the lease, particularly including the provisions of subsection G of this section, and there are no outstanding and unresolved environmental enforcement actions or proceedings or notice of violation pertaining to the leased premises;
vii. The lessee is current in all monetary obligations to the city, including property taxes, sales taxes, utility bills, and rents for any other lands leased from the city; and
viii. Mutually agreeable terms, consistent with the provisions of this chapter governing lease terms, are negotiated by the city and the prospective lessee.
    1. Such lease shall be for an annual rent equal to the value of the land which is then being charged for new leases or a consideration is determined by the council to be in the best interest of the city and shall be subject to adjustment on every fifth anniversary.
    2. Any renewal preference granted the lessee is a privilege and is neither a right nor bargained for consideration.

Q. Removal or Reversion of Improvements upon Termination of Lease. Improvements owned by a lessee may within thirty calendar days after the termination of the lease be removed by the lessee, provided, such removal will not cause injury or damage to the lands or improvements of the City; and further provided that the city council may extend the time for removing such improvements in cases where actual hardship is Established to the satisfaction of the City Council. All periods of time granted the lessee to remove improvements, are subject to the lessee paying to the city pro rata lease rentals for such periods. If any improvements and/or personal property are not removed within the time allowed such improvements and/or personal property shall revert to, and absolute title shall vest in, the city, without further notice to the lessee.

R. Inspection. The lessee shall allow an authorized representative of the city to enter the leased land at any reasonable time for the purposes of inspecting the land and improvements

thereon. Upon the city's request, the lessee shall permit an authorized representative of the Alaska Department of Environmental Conservation (ADEC) to make an environmental audit of the leased premises. Notwithstanding any confidentiality provisions in federal or state law, by entering into the lease, the lessee agrees that the results of any environmental audit of the premises made by or at the order of any state or federal agency shall be made available to the city as landowner.

S. Use of Material. All coal, oil, gas and other minerals, and all deposits of stone, earth or gravel valuable for extraction or utilization, are reserved by the city and shall not be removed from the land except with written permission of the council. The lessee shall not sell or remove for use elsewhere any timber, stone, gravel, peat moss, topsoil, or any other material valuable for building or commercial purposes; provided, however, that material required for the development of the leasehold may be used, if its use is first approved by the council in writing.

T. Rights-of-way. The lessor expressly reserves the right to grant easements or right-of-way across leased land if it is determined in the best interest of the city to do so. If the lessor grants an easement or right-of-way across any of the leased land, the lessee shall be entitled to damages for all lessee-owned improvements destroyed or damaged. Damages shall be limited to improvements only and loss shall be determined by fair market value. Annual rentals may be adjusted to compensate the lessee for the loss of uses.

U. Warranty. The city does not warrant by its zoning, classification or leasing of land that the land is ideally suited for the use authorized under the zoning, classification or lease, and no guaranty is given or implied that it will be profitable to employ the land for any use.

V. Notice or Demand. Any notice or demand, which under the terms of a lease or under any statute must be given or made by the parties shall be in writing and be given or made by registered or certified mail, addressed to the other party at the address of record. However, either party may designate in writing such new or other address to which such notice or demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed delivered when deposited in the U.S. mails enclosed in a registered or certified mail prepaid envelope addressed as herein provided. Email shall not constitute proper notice under this section.

W. Additional Lease Terms. Any lease shall contain such additional limitations, reservations, requirements or special conditions as the council may determine to protect the city's interest, including (without limitation) requirements (a) for improvements of a specified kind and value to be constructed or located on the land by the lessee within a specified time period, (b) for the lessee to complete the improvements set forth in the development plan

submitted with the lease application within a specified time period, or (c) requirements that the lessee defend and indemnify the city against the third party claims for personal injury or property damage arising from lessee's occupancy of or use of the land, and provide liability insurance in an amount determined by the city and requiring that the city be named as an additional insured.

ARTICLE IV. DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

2.56.400 VALUE SCHEDULE FOR DISPOSAL OF PERSONAL PROPERTY.

A. Personal property, other than surplus stock, valued at less than five thousand dollars may be disposed of upon such notice and terms considered reasonable by the mayor, taking into consideration the value of the article, the reason for disposal, and the general preference for disposal by competitive bid. The mayor shall report disposals to the council.

B. Personal property valued at more than five thousand dollars, but less than ten thousand dollars may be disposed of upon such notice and terms considered reasonable by the mayor and approved by the city council by resolution, taking into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid.

C. Personal property valued at more than ten thousand dollars, but less than one hundred fifty thousand dollars shall be disposed of in the manner provided for land under one hundred fifty thousand dollars as required in subsection B of Section 2.56.160.

D. Personal property valued at more than one hundred fifty thousand dollars shall be disposed of in the manner provided for land over one hundred fifty thousand dollars as required in subsection C of Section 2.56.160. (Ord. 98-15 §§ 3(part), 4(part), 1998: Ord. 85-06- 13-02 § 4.01, 1985)

2.56.410 COMPETITIVE BIDDING NOT REQUIRED FOR SALE OF SURPLUS OR OBSOLETE GOODS.

The mayor may sell the following without giving an opportunity for competitive bidding:

A. Surplus Stock or obsolete supplies, materials or equipment whose total value does not exceed five thousand dollars in a single transaction.

B. Supplies, materials or equipment when sold at a price at least as great as that paid by the city for the same. (Ord. 98-15 §§ 3(part), 4(part), 1998: Ord. 85-06-13-02 § 4.02, 1985)

2.56.420 SURPLUS STOCK OR OBSOLETE SUPPLIES, MATERIALS OR EQUIPMENT.

A. All city departments shall submit to the mayor or the mayor's designee at such times and in such form as the mayor shall prescribe, reports showing stocks of all supplies, materials or equipment that are no longer used or that have become obsolete, worn out or scrapped.

B. The mayor or the mayor's designee shall have the authority to transfer surplus stock from one city department to another and provide for proper fiscal transfer of such.

C. The mayor or the mayor's designee, with the approval of the city council by resolution shall have the authority to sell all surplus stock or obsolete supplies, materials or equipment valued at over five thousand dollars in a single transaction, that have become unsuitable for public use, or to exchange the same for or trade-in the same on any new stock, supplies, materials or equipment.

1. Sales of surplus stock or obsolete supplies, materials or equipment valued at over five thousand dollars under this section shall be made to the highest responsible bidder.
2. The mayor or the mayor's designee shall conduct the sale and issue the certificates of sale to the purchaser of surplus stock or obsolete supplies, materials or equipment. (Ord. 98-15 §§ 3(part), 4(part), 1998: Ord. 85-06-13-02 § 4.03, 1985)

2.56.430 DECLARATION OF OBSOLESCENCE.

No surplus stock or obsolete supplies, materials or equipment having a value of more than five thousand dollars may be sold until the city council by resolution shall have declared them obsolete or surplus. (Ord. 98-15 §§ 3(part), 4(part), 1998: Ord. 85-06-13-02 § 4.04, 1985)

ARTICLE V. SALE OF NATURAL RESOURCES

2.56.500 POWER TO DISPOSE OF NATURAL RESOURCES.

Except as provided herein, the city may sell, convey, exchange, transfer, donate, dedicate, direct or assign to use, or otherwise dispose of city-owned natural resources by any lawful means of conveyance. (Ord. 98-15 § 4(part), 1998)

2.56.510 NATURAL RESOURCES DEFINED.

As used in this chapter, "natural resources" includes any timber, rock, minerals, water, or other materials created by natural causes. "Natural resources" also includes trees or plants planted by man. (Ord. 98-15 § 4(part), 1998)

2.56.520 SALE OR DISPOSAL-FORM.

The city may sell or dispose of natural resources by any lawful means. Any instrument requiring execution by the city shall be signed by the mayor or the mayor's designee and attested by the city clerk. (Ord. 98-15 § 4(part), 1998)

2.56.530 SALE OR DISPOSAL-RIGHTS AND POWERS.

Except as provided herein, the city shall have and may exercise all rights and powers in the sale and disposal of natural resources as if the city were a private person. The city may sell or dispose of any natural resource, including natural resources acquired or held for or devoted to a public use, when in the judgment of the city council it is no longer required for or devoted to a public use, when in the judgment of the city council it is no longer required for city purposes. (Ord. 98-15 § 4(part), 1998)

2.56.540 NATURAL RESOURCE EXCHANGES.

The city council by resolution may approve the conveyance and exchange of natural resources, exceeding five thousand dollars, for equivalent natural resources, or for goods and services subject to such conditions as the council may impose on the conveyance or exchange, whenever, in the judgment of the city council, it is advantageous to the city to make the natural resource exchange. (Ord. 98-15 § 4(part), 1998) (Ord. 16-03-01-02)

2.56.550 PUBLIC SALE-WHEN REQUIRED.

Unless otherwise provided in this chapter, natural resources no longer used or useful for a public use or purpose, exceeding five thousand dollars, shall be sold to the highest responsible bidder at a public sale. (Ord. 98-15 § 4(part), 1998)

2.56.560 PUBLIC SALE PROCEDURES.

Natural resources of the city, except as otherwise provided in this chapter, shall be sold or otherwise disposed of as follows:

A. The city council shall make a determination that the natural resource exceeding five thousand dollars is no longer used or useful for a public use or purpose and shall recommend that the natural resource be sold.

B. An estimated value of the natural resource shall be made using the best available information to determine current market value.

C. After the estimated value of the natural resource has been determined, the city council may by resolution direct the sale of such natural resource under such terms and conditions as is required, including the minimum offered sales price.

D. Notice of disposition and the manner in which the natural resource is to be disposed of shall be published in a newspaper of general circulation within the city once each week for two successive weeks not less than thirty days prior to the date set for the public sale.

E. Notice shall also be posted in at least three public places within the city for at least thirty days prior to the date set for the public sale.

F. The notice must contain a brief description of the natural resource, its location, terms and conditions of sale, minimum offered sales price, and the time and place set for auction or bid opening. (Ord. 98-15 § 4(part), 1998)

2.56.570 MINIMUM ACCEPTABLE OFFER.

If there are no acceptable offers, the mayor, or the mayor's designee may negotiate for the sale of natural resources, but the city council must, by resolution, approve the terms, price, and conditions of any such negotiated sale, exceeding five thousand dollars, before such sale shall be binding upon the city. (Ord. 98-15 § 4(part), 1998) (Ord. 16-03-01-02)

2.56.580 CONDITIONS OF SALE.

The city council, in the resolution authorizing the sale of natural resources exceeding five thousand dollars, shall set forth the terms and conditions of the public sale. The council reserves the right to reject any and all bids received at the public sale, if the highest bid is below the minimum offered sales price plus the cost of sale or is not made by a responsible bidder. The resolution shall provide if the sale is for cash, or cash deposit and purchase agreement. The city council shall approve any purchase agreement prior to its execution by the city. The approval of any public sale by the council authorizes the mayor or the mayor designee to take all steps and execute all instruments to complete and close the sale. The mayor, or the mayor's designee, shall conduct the sale, and shall give to the buyer a receipt for all moneys received by the city. A purchaser at a public sale who fails to make such other cash payments within the times required by the resolution shall forfeit any cash deposit paid to the city. (Ord. 98-15 § 4(part), 1998) (Ord. 16-03-01-01)

2022

TITLE 3
REVENUE & FINANCE

City of Thorne Bay

Thorne Bay Municipal Code

CODIFIED MARCH 2022

TITLE 3 - REVENUE AND FINANCE:

TABLE OF CONTENTS:

CHAPTER 3.04 - FISCAL POLICIES 170
3.04.010 BUDGET AND CONSTRUCTION PROGRAM. 170
3.04.020 CITY OBLIGATIONS. 170
3.04.030 FISCAL YEAR. 170
3.04.040 FUNDS DESIGNATED. 170
3.04.050 AUDIT OF CITY GOVERNMENT ACCOUNTS. 171
3.04.060 – GAMING ACCOUNT, DISPOSITION OF NET PROCEEDS UPON DISSOLUTION OF ORGANIZATION. 171
CHAPTER 3.08 - BUDGET SECTIONS: 172
3.08.010 SCOPE OF BUDGET. 172
3.08.020 ANTICIPATED REVENUES-DESIGNATED. 172
3.08.030 ANTICIPATED REVENUES-COMPARISON TO PREVIOUS YEARS. 172
3.08.040 PROPOSED EXPENDITURES-DESIGNATED. 172
3.08.050 PROPOSED EXPENDITURES-COMPARISON TO PREVIOUS YEARS. 173
3.08.060 BUDGET SUMMARY. 173
3.08.070 BUDGET TO BE PUBLIC RECORD. 173
3.08.080 PUBLIC HEARING-NOTICE. 173
3.08.090 PUBLIC HEARING-REQUIRED. 173
3.08.100 AMENDMENT RESTRICTIONS. 173
3.08.110 ADOPTION-VOTE REQUIRED. 173
3.08.120 EFFECTIVE DATE-CERTIFICATION. 174
CHAPTER 3.12 - PURCHASING SECTIONS: 175
3.12.010 PURPOSE. 175
3.12.020 DEFINITIONS 175
3.12.030 ETHICS. 177
3.12.040 MANNER OF MAKING PROCUREMENTS GENERALLY. 178
3.12.050 LIMITATIONS ON DURATION OF CITY CONTRACTS. 179
3.12.060 APPROVAL OF CITY COUNCIL REQUIRED – PROCUREMENTS. 180
3.12.070 EMERGENCY PROCUREMENTS. 180

3.12.080 APPROVAL OF CITY COUNCIL REQUIRED-MODIFICATIONS AND CHANGE ORDERS. 181
3.12.090 SPECIFICATIONS AND CONTRACTS. 181
3.12.100 COMPETITIVE PROCUREMENT PROCEDURE. 182
3.12.110 COMPETITIVE BIDDING. 182
3.12.120 COMPETITIVE PROPOSALS. 184
3.12.130 OPEN MARKET PURCHASES/PROCUREMENTS. 185
3.12.140 PROFESSIONAL SERVICES. 186
3.12.150 HYBRID PROCUREMENTS. 187
3.12.160 CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACTS. 187
3.12.170 CONTRACTOR BONDING REQUIREMENTS. 187
3.12.180 RECORDS. 189
3.12.190 REVIEW AND APPROVAL BY THE MAYOR AND/OR CITY ATTORNEY. 189
3.12.200 INSURANCE POLICIES. 189
3.12.210 SUBDIVISION PROHIBITED. 189
3.12.220 ENCUMBRANCE OF FUNDS. 189
3.12.230 BILLING-PAYMENT CERTIFICATION. 190

CHAPTER 3.15 - SHORT TERM INVESTMENT POLICY 191

3.15.010- INVESTMENT OF OPERATING FUNDS; 191
3.15.020-TREASURY MANAGEMENT. 191
3.15.030-PERMISSIBLE INVESTMENTS. 191

CHAPTER 3.17 - CONSUMER'S SALES TAX 193

3.17.010 DEFINITIONS. 193
3.17.011 DELIVERY CHARGES. 195
3.17.012 EMPLOYEES/SUBCONTRACTORS--SALE OF SERVICES. 196
3.17.015 MULTIJURISDICTIONAL SERVICES. 196
3.17.020 LEVY OF TAX. 196
3.17.025 RULES APPLICABLE TO PARTICULAR BUSINESS OCCUPATIONS 197
3.17.030 DUTY OF SELLER TO COLLECT. 198
3.17.35 TEMPORARY SUSPENSION OF SALES TAX COLLECTION. 198
3.17.040 TAX ADDED TO SALES PRICE. 198
3.17.050 UNLAWFUL FOR SELLER TO FAIL TO COLLECT. 198
3.17.051 COLLECTION OF SALES TAX AND NOT DUE. 200
3.17.060 TAX TO BE PAID QUARTERLY. 200

3.17.065 REGISTRATION. 200
3.17.070 DUTY TO KEEP BOOKS--INVESTIGATION. 201
3.17.080 PENALTY AND INTEREST ON DELINQUENT TAXES. 201
3.17.085 SALES TAX LIENS. 202
3.17.090 SALE OF BUSINESS--FINAL RETURN--LIABILITY OF PURCHASER. 203
3.17.100 EXEMPTIONS. 203
3.17.110 SALES TAX EXEMPTION FOR THE ELDERLY. 206
3.17.120 UNLAWFUL TO MISREPRESENT EXEMPTIONS. 206
3.17.130 USE OF PROCEEDS OF SALES TAX. 206
3.17.150 REGULATIONS AUTHORIZED. 207
3.17.180 PROTEST OF TAX. 207
3.17.190 FORGIVENESS OF UNCOLLECTED TAXES, PENALTIES AND INTEREST. 207
3.17.200 APPEALS. 208
3.17.210 CLERICAL ERRORS OR OMISSION, REFUND OF SALES TAX; PENALTY AND INTEREST. 210
3.17.220 Alaska uniform remote seller sales tax code adopted by reference. 210

CHAPTER 3.18 - TRANSIENT OCCUPANCY TAX: 211

3.18.010 TITLE AND PURPOSE. 211
3.18.020 DEFINITIONS. 211
3.18.030 TAX IMPOSED. 212
3.18.040 EXEMPTIONS. 212
3.18.050 OPERATOR'S DUTIES. 213
3.18.060 REGISTRATION. 213
3.18.070 TAX TO BE PAID QUARTERLY. 214
3.18.080 PENALTY AND INTEREST ON DELINQUENT TAXES. 215
3.18.085 OCCUPANCY TAX LIENS. 215
3.18.090 DUTY TO KEEP BOOKS-INVESTIGATION. 216
3.18.100 ACTIONS TO COLLECT. 217
3.18.110 VIOLATIONS. 217
3.18.120 SEVERABILITY. 217
3.18.130 UTILIZATION OF REVENUES. 217
3.18.140 REVENUE COLLECTOR'S REGULATIONS. 218
3.18.150 SALE OF BUSINESS-FINAL RETURN-LIABILITY OF PURCHASER. 218
3.18.160 APPEAL. 219

CHAPTER 3.20 CITY CHECKS SECTIONS: 220

3.20.010 SIGNATURE-ISSUANCE APPROVAL. 220
3.20.020 INSUFFICIENT FUNDS. 220
3.20.030 MINIMUM CHECKING ACCOUNT BALANCE. 220

CHAPTER 3.04 - FISCAL POLICIES

3.04.010 BUDGET AND CONSTRUCTION PROGRAM.

A. The mayor shall arrange for the preparation of a budget and construction program. The budget and construction spending proposals shall be submitted as an ordinance.

B. After public hearing, the council may approve bud- gets with or without amendments and shall appropriate the funds required. (Prior code Ch. 28 § 1)

3.04.020 CITY OBLIGATIONS.

A. A bond, contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made by ordinance and approved by the voters.

B. The council may make supplemental and emergency appropriations. No payment may be authorized or made, and no obligation incurred unless an appropriation has been made by ordinance.

C. The council may authorize contracts for construction improvements to be financed wholly or partly by the issuance of bonds. (Prior code Ch. 28 § 2)

3.04.030 FISCAL YEAR.

The fiscal year of the municipality shall begin on the first day of July and end on the last day of June in the calendar year. (Ord. 87-11, 1987: prior code Ch. 28 § 3)

3.04.040 FUNDS DESIGNATED.

A. Funds designated for the city:

B. General fund;

C. Federal revenue sharing fund;

D. State revenue sharing fund;

E. Construction project fund;

F. Debt retirement fund;

G. Enterprise fund;

H. Other funds which may be created as needed by resolution of the city council. (Ord. 89-03 §4,1989: prior code Ch. 28 § 4)

3.04.050 AUDIT OF CITY GOVERNMENT ACCOUNTS.

Prior to the end of each fiscal year the council shall designate a qualified individual who, as of the end of the fiscal year, shall make an independent audit or financial statement. Such person shall have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers. (Prior code Ch. 28 § 5)

3.04.060 – GAMING ACCOUNT, DISPOSITION OF NET PROCEEDS UPON DISSOLUTION OF ORGANIZATION.

Upon dissolution, any remaining net proceeds from gaming activity under AS 05.15 will be distributed to one or more existing permittees, other than a multiple-beneficiary permittee, in accordance with 15 AAC 160.020(a)(5). (Ord. 17-07-18-03)

CHAPTER 3.08 – BUDGET

3.08.010 SCOPE OF BUDGET.

A. The budget shall be a complete financial plan for all the operations of the municipality, showing dollar reserves, anticipated revenues, and proposed expenditures.

B. The budget shall include a comparative statement of projected actual expenditures and projected actual revenues for the preceding year and the budgeted current fiscal year.

C. Proposed operating expenditures shall not exceed total anticipated revenues. Capital expenditures shall not exceed anticipated revenues and cash reserves. (Ord. 88-42 § 1,1988; prior code Ch. 30 § 1)

3.08.020 ANTICIPATED REVENUES-DESIGNATED.

A. Anticipated revenues shall be composed of taxes, licenses and permits, intergovernmental revenue, charges for services, fines and forfeits and, miscellaneous revenue.

B. Cash reserves shall be composed of prior revenue carryover and reserves.

3.08.030 ANTICIPATED REVENUES-COMPARISON TO PREVIOUS YEARS.

In the anticipated column opposite the items of anticipated revenues there shall be placed the projected amount of each such item actually received in the preceding year. (Ord. 88-42 § 3, 1988: prior code Ch. 30 § 3)

3.08.040 PROPOSED EXPENDITURES-DESIGNATED.

Proposed expenditures shall be itemized. Separate provisions shall be included in the budget for at least:

A. Interest, amortization of principal and redemption charges on the public debt for which the faith and credit of the municipality is pledged;

B. Administration, operation and maintenance of each office, department or agency of the municipality;

C. Council's budgetary reserve;

D. Expenditures proposed for construction projects including provisions for down payments on capital projects. (Prior code Ch. 30 § 4)

3.08.050 PROPOSED EXPENDITURES-COMPARISON TO PREVIOUS YEARS.

In a parallel column opposite the several items of proposed expenditures there shall be placed the projected amount of each such item actually spent in the preceding fiscal year and the budget for the current fiscal year. (Ord. 88-42 § 5, 1988; prior code Ch. 30 § 5)

3.08.060 BUDGET SUMMARY.

At the head of the budget there shall appear a summary of the budget, which need not be itemized. Principal sources of anticipated revenues, and kinds of expenditures by department, shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget. (Prior code Ch. 30 § 6)

3.08.070 BUDGET TO BE PUBLIC RECORD.

The budget, the budget message, the construction improvement program, and all supporting schedules shall be a public record in the office of the clerk, open to public inspection by anyone. The mayor, or the mayor' designee shall cause to be prepared for distribution to interested persons, copies of the budget and budget message. (Prior code Ch. 31 § 1)

3.08.080 PUBLIC HEARING-NOTICE.

The council shall determine the place and time of the public hearing on the budget and shall post such notice in three places in the city. The council shall include in the notice a summary of the budget and capital improvement program and a statement setting out the time and place for a public hearing. (Prior code Ch. 31 § 2)

3.08.090 PUBLIC HEARING-REQUIRED.

At the time and place so advertised, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (Prior code Ch. 31 § 3)

3.08.100 AMENDMENT RESTRICTIONS.

After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. The council may not vary the titles, descriptions or conditions of administration specified in the budget. (Prior code Ch. 31 § 4)

3.08.110 ADOPTION-VOTE REQUIRED.

The budget shall be adopted by favorable votes of at least a majority of all the members of the council, no later than the last meeting in June. (Ord. 87-13, 1987: prior code Ch. 31 § 5)(Ord. 13-04-16-01)

3.08.120 EFFECTIVE DATE-CERTIFICATION.

Upon adoption of the budget, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be certified by the mayor and the clerk and filed in the office of the clerk. The budget so certified shall be printed, mimeographed or otherwise reproduced, and sufficient copies shall be made available for the use of all officers, departments and agencies and for interested persons and civic organizations through the clerk's office. (Prior code Ch. 31 § 6)

CHAPTER 3.12 - PURCHASING

3.12.010 PURPOSE.

The purpose of this chapter is to:

A. Establish consistent procurement principles for all departments of the city;
B. Maximize to the fullest extent practicable the purchasing value of city funds;
C. Clearly define authority for the purchasing function within the city organization; and
D. Encourage local procurement, strengthen and stabilize the local economy, decrease local unemployment, strengthen the tax and revenue base of the city, and assist small and disadvantaged businesses in learning how to do business with the city.

(Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 1, 1985)

3.12.020 DEFINITIONS

As used in this chapter:

"Bid" means any response to a public solicitation for the purpose of acquiring goods or services that provides an opportunity for qualified vendors to compete, either monetarily or based on other predetermined criteria.

"Construction" means the on-site erection, alteration, extension, repair, improvement or demolition of any public structure, building, facility, road or highway, or other improvements of any kind to any public real property. This includes painting and redecorating of structures, buildings or real property, but does not include routine operation, minor repair or maintenance. Construction is a contractual service.

"Contract" means all types of city agreements, regardless of what they may be called, for the procurement or disposal of supplies, or contractual services.

"Contract Amendment" means any change or modification in the terms of a contract accomplished by agreement of the parties, including change orders.

"Contractor" means the person or firm who has entered into a binding contract or agreement with the city to provide supplies, services, professional services, construction or disposal of surplus supplies.

"Contractual Services" means services performed for the city by persons not in the employment of the city and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. Contractual services shall include travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; printing and binding; repairs; alterations and maintenance of buildings, equipment, streets, bridges and other physical facilities of the city; and other services performed for the city by persons not in the employment of the city. Contractual services include professional services and construction.

"Crisis," "Emergency," or "Disaster" means an unanticipated event or set of circumstances that requires immediate action to avoid threats to life or property or to avoid an immediate, significant liability to the city, or to otherwise respond to such threats or damage resulting therefrom as declared in accordance with the city charter and code.

"Financial Interest" means a direct or indirect pecuniary or material benefit accruing to a city official or employee as a result of a contract or transaction by or with the city except for such contracts or transactions which by their terms and by substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. A financial interest does not include city paid remuneration for official duties or city employment. A person has a financial interest in a decision if a substantial possibility exists that a financial interest of that person might vary with the outcome of the decision.

A financial interest of an employee or official includes:

1. Any financial interest of a member of that person's immediate family, which is defined as a person's parents, spouses, siblings, and children;
2. Any financial interest in an entity in which that person or a member of his immediate family has an ownership interest, or is a director, officer or employee;
3. Any financial interest of a person or entity with whom the employee or official or a member of his immediate family or an entity described in subsection (2) of this definition has or is likely to acquire a contractual relationship relating to the transaction in question.

"Immediate Family" means a person's parents, spouse, siblings, and children.

"Invitation to Bid" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

"Local Bidder" means a bidder that is not delinquent in the payment of any taxes, fees, assessments, or other charges owing the city and satisfies one of the requirements set forth in subsections (1) through (3) of this definition for a period of eighteen consecutive months immediately prior to the opening of a competitive city bid for which the bidder wishes to utilize the local bidder preference:

1. If the bidder is a corporation or limited liability company, the bidder's primary business address has a city of Thorne Bay postal zip code, as reflected on the bidder's state of Alaska business license or the records of the state of Alaska department of commerce, community and economic development, division of corporations;
2. If the bidder is an individual, the bidder's primary business or residential address has a city of Thorne Bay postal zip code, as reflected on the bidder's state of Alaska business license;
3. If the bidder is a general partnership, a limited partnership, or a joint venture, at least one of the general partners has a postal zip code compliant with subsection (1) or (2) of this definition.

"Person" means an individual, group of individuals, business, entity, nonbusiness association, other governmental entity, or advisory board created by the city.

"Procurement" means buying, purchasing, renting, leasing or otherwise acquiring supplies, services, professional services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Procurement Agent" means the mayor, city administrator, city clerk, finance officer or designee with procurement authority.

"Professional Services" means all advisory, consulting, technical, research or other services, such as architectural, engineering, land surveying, legal and financial, which involve the exercise of discretion and independent judgment together with an advanced or specialized knowledge, expertise or training gained by formal studies or experience.

"Purchase Order" means a document authorizing a seller to deliver supplies, materials, or equipment with payment to be made at a later date. A purchase order sets forth the descriptions, quantities, prices, discounts, payment terms, date of performance or shipment, other associated terms and conditions, and identifies a specific seller.

"Request for Proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

"Request for Qualifications" means all documents, whether attached or incorporated by reference, utilized for soliciting qualifications.

"Responsible bidder" or "responsible offeror" means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability, which will assure good faith performance.

"Responsive Bidder" means a person who has submitted a bid that conforms in all material respects to the invitation for bids.

"Standard Specification" means a description of generally applicable requirements for a specific type of procurement including but not limited to requirements for performance, licensing, inspecting, testing and delivery.

"Supplies" means any tangible personal property or consumables. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 2, 1985)

3.12.030 ETHICS.

A. It shall be a conflict of interest for any employee to participate directly or indirectly in a procurement when the employee knows that:
   1. The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
   2. A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
   3. Any other person, business, or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

B. All employees shall file and maintain a statement of potential conflicts of interest with the city clerk. The statement of potential conflicts of interests shall identify all persons that would present a conflict of interest if the employee were to procure supplies or contractual services from them and describe the nature of the conflict. The city administrator may preclude or otherwise limit an employee's authority to procure from persons that present a potential conflict of interest.

C. Upon discovery of an actual conflict of interest, an employee shall promptly file a written statement describing the conflict of interest with the city administrator. The city administrator may require the employee to withdraw from further participation or otherwise limit the employee's participation in the procurement involved.

D. Every officer and employee of the city is expressly prohibited from accepting directly or indirectly from any person to which any such contract is or might be awarded any rebate, gift, money or anything of pecuniary value, except were given for the use and benefit of the city or where accepted with the express consent of the city council.

E. No person shall offer, give or agree to give any employee or former employee, nor shall any employee or former employee solicit, demand, accept or agree to accept from another person a gratuity, kickback or offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a procurement.

F. No employee shall be retained nor retain another person to solicit or secure a city contract upon an agreement of understanding for a commission, percentage, brokerage or other contingent fee.

G. No payment, gratuity or offer of employment shall be made by or on behalf of a subcontractor under a contract to a prime contractor or higher tier subcontractor or any person associated with a contract as an inducement for award of a subcontract or order. (Ord. 22-02-01-01; Prior Ord. 85-01- 17-02 § 4, 1985)

3.12.040 MANNER OF MAKING PROCUREMENTS GENERALLY.

A. The procurement of all supplies, materials, equipment and contractual services for the offices, departments and agencies of the city government shall be made by the purchasing agent as defined in section 3.12.020, and in accordance with purchase authorizations provided under this chapter.
B. All procurements for contractual services estimated by the procurement agent to be over ten thousand dollars in value shall be memorialized in a formal written contract to be executed by the parties bound to its terms and setting out the specific terms of performance. Procurements for contractual services estimated by the procurement agent to be under ten thousand dollars in value may be completed by purchase order. All procurements for supplies, materials, and equipment may be completed by purchase order. All contracts shall include standard terms and conditions approved by the mayor.
C. Subject to the limitations of this section, any type of contract which will promote the best interests of the city may be used. A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the city than any other type or that it is impracticable to obtain the supplies or contractual services required except under such a contract.
D. All provisions of this chapter are subject to, and subordinate to, procurement requirements of the state or federal government where required by law including but not limited to contracts where state or federal grant revenues are used.
E. Where applicable, all city contracts must comply with the public contract requirements provided by state statute and regulation including but not limited to:
    1. Wage and hour requirements under as 36.05;
    2. Local hire and employee preference requirements under as 36.10;
    3. Contractor bonding requirements under as 36.25;
    4. Public construction contract payment requirements under as 36.90; and
    5. Mandatory contractual provision requirements under as 36.90.
F. The city clerk shall establish and maintain lists of persons who desire to provide supplies, services, professional services or construction services to the city.
    1. A person who desires to be on a bidder's list shall submit to the city clerk evidence of a valid state business license and a description of the supplies or services the person desires to provide. A construction contractor shall also submit a valid certificate of registration issued under as 08.18. The city clerk may require submission of additional information.
    2. The list may be used by the city procurement agent responsible for the procurement when issuing invitations to bid or requests for proposals.
G. The city shall make reasonable efforts to solicit bids and proposals from local suppliers and contractors.

3.12.050 LIMITATIONS ON DURATION OF CITY CONTRACTS.

A. All contracts must, by the terms thereof, be fully executed within a period of five years unless a majority of the city council who vote thereon have approved the contract prior to execution.
B. This requirement does not apply to contracts concerning interests in real property, franchises, contracts for services with a public utility or with other governmental units, or to contracts for debt secured by the bonds or notes of the city. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 5, 1985)

3.12.060 APPROVAL OF CITY COUNCIL REQUIRED – PROCUREMENTS.

Every procurement of budgeted supplies, materials, equipment or contractual services for more than twenty-five thousand dollars shall require the approval of the city council. Procurements over five thousand dollars for supplies, materials, equipment, or contractual services that (a) are not specifically in budget for the year of procurement or (b) exceed the budgeted amount require council approval. For each budgeted procurement between five thousand dollars and twenty-five thousand dollars that does not require council approval, the city council shall be notified by written report detailing such procurement at the next regular city council meeting following such procurement. Such notification shall include:

A. The dollar amount of the procurement;
B. The name of the supplier or contractor;
C. A statement regarding why the chosen supplier or contractor was most advantageous to the city. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 6, 1985)

3.12.070 EMERGENCY PROCUREMENTS.

The provisions of this chapter may be waived during times of crisis, emergency or disaster for no longer than seven days when operating under a declaration of emergency issued by the mayor. All provisions of this chapter waived while operating under a declaration of emergency issued by the mayor shall be reported to the city council via electronic mail within twenty-four hours following any such waiver. The city council may waive the provisions of this chapter for a definite period longer than seven days by resolution. The city administrator or authorized successor shall have the responsibility to protect the interest of the city consistent with prudent and appropriate emergency responses. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 8, 1985)

3.12.080 APPROVAL OF CITY COUNCIL REQUIRED-MODIFICATIONS AND CHANGE ORDERS.

A. A proposed modification or change order to an existing city contract shall require the approval of the city council when the proposed modification or change order increases the contract amount by ten thousand dollars or more. No work may proceed under a modification or change order requiring city council approval prior to approval by the city council.

B. The council shall be notified by written report at its next regular meeting of any modification or change order in excess of five thousand dollars. Such notification shall include:

1. The dollar amount of the original contract;
2. The number of previous modifications or change orders;
3. The dollar amount of each previous modification or change order and the total aggregated dollar amount of the previous modifications and change orders;
4. The total dollar amount of the contract as modified or changed; and
5. A statement explaining the justification or need for the modification or change order.

C. Modifications and change orders shall not be arbitrarily divided into smaller amounts to avoid council approval thereof.

D. Notwithstanding any of the foregoing provisions of this section, the city may make modifications or change orders in any city contract without council approval where in the judgment of the city administrator a crisis, emergency or disaster as defined in section 3.12.020 exists which requires immediate action to remedy and where there is insufficient time or it is impractical to obtain council approval. Notice of such crisis, emergency or disaster modifications or change orders containing the information set forth in subsection b of this section shall be presented to the council no later than its next regular meeting. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 9, 1985)

3.12.090 SPECIFICATIONS AND CONTRACTS.

A. The city administrator shall adopt policies and procedures governing the preparation, revision and content of standard specifications, standard plans and contracts for supplies, services, professional services and construction required by a department. The city administrator shall monitor the use of these standard contracting documents and procedures.

B. The city administrator may obtain expert advice and assistance from department personnel in the development of standard specifications and contracts. All contract specifications, forms and procedures must promote overall economy for the purposes intended and encourage competition in satisfying the city's needs and may not be unduly restrictive. (Ord. 22-02-01-01)

3.12.100 COMPETITIVE PROCUREMENT PROCEDURE.

A. Before the procurement of, or contract for, supplies, materials, equipment or contractual services in an amount of twenty-five thousand dollars or less is made, except as otherwise provided in this chapter, the city shall submit to at least three persons dealing in and able to supply the same an invitation to bid or request for proposal and specifications to give them opportunity to submit a proposal or bid. In the event that three persons cannot reasonably be found, fewer may be used when it is deemed to be in the best interest of the city.

B. For procurement of, or contract for, supplies, materials, equipment or contractual services in an amount greater than twenty-five thousand dollars, an invitation to bid or request for proposal will be posted on the city website, and the city shall employ such other forms of notice of such invitation to bid or request for proposal as may be determined in the city's discretion to adequately reach prospective bidders or offerors. The city shall provide adequate notice of the invitation to bid or request for proposal for at least fourteen days unless otherwise required by state or federal law. Among the forms of notice employed by the city, the city may in its discretion:

    1. Publish such invitation, request, or notice thereof in such newspapers or other publications circulated to reach prospective bidders;
    2. Post notices in public places thought likely to reach prospective bidders.

    Invitations to bid and/or requests for proposals shall be made both inside and outside of the city when necessary to create competitive conditions, or when a savings can be made for the city. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 10, 1985)

3.12.110 COMPETITIVE BIDDING.

A. Procurements shall be made by competitive sealed bidding except as otherwise provided in this chapter. When competitive sealed bidding is used, the procurement agent shall issue an invitation to bid. The invitation to bid must include a time, place and date by which the bid must be received, a description of all essential contractual terms and conditions, and a description of all requirements and selection criteria.

B. When responding to the invitation to bid, the bidder shall supply evidence of the bidder's valid state business license. A bidder for a construction contract shall also submit evidence of the bidder's registration under as 08.18.

C. Late bids—withdrawals—cancellation.

    1. Bids received after the bid date and time indicated on the invitation to bid may not be considered unless the delay was due to an error of the city, except where delays in mail service cause a late bid in which case bids postmarked at least 72 hours prior to the bid opening date will still be considered timely.
    2. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on bid mistakes, may be permitted in accordance with policies adopted by the city. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the

city or fair competition may not be permitted. A decision to permit the correction or withdrawal of a bid, or to cancel an award or contract based on a bid mistake, shall be supported by a written determination made by the city administrator. If a bidder is permitted to withdraw a bid before award, an action may not be maintained against the bidder or the bid security.

D. Competitive bid opening.
    1. The procurement agent responsible for the procurement shall open bids at the time and place designated in the invitation to bid. All bid openings are open to the public. The amount of each bid and other essential information required by this chapter, together with the name of each bidder, shall be recorded.
    2. The information recorded under subsection (d)(1) of this section is open to public inspection as soon as practicable following bid opening. To the extent the bidder designates and the city administrator concurs, trade secrets and other proprietary data contained in a bid document may be deemed confidential.

E. The city may repeatedly reject all bids, and again may submit to the same or other persons invitation to bid or again publish notice of the proposed purchase.

F. Evaluation and award. Bids shall be evaluated based on the requirements set forth in the invitation to bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the criteria set forth in the invitation to bid. In determining whether a bidder is responsible the city may consider:
    1. The qualifications, ability, capacity and skill of the bidder to perform the contract;
    2. The availability of the bidder to perform the contract within the time specified, without delay or interference;
    3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
    4. The quality of performance by the bidder of previous contracts;
    5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
    6. The sufficiency of the financial resources and ability of the bidder to perform the contract.

J. When the award is made to other than the lowest bidder, a full and complete written statement of the reasons therefor shall be mailed or delivered to the unsuccessful low bidder and filed with the other documents relating to the procurement.

G. Multi-step bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids

limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

H. Except where prohibited by state or federal grant requirements, a local bidder, as defined in section 3.12.020, may be given consideration as low bidder where the offer is the lesser of ten percent or fifty thousand dollars in excess of the lowest offer received from a bidder not qualified as a local bidder. The city may split the award between two or more suppliers in any manner the city deems to be in its best interest.

I. Procurement of, or contract for, supplies, materials, equipment, contractual services, or capital projects that could be subject to potential future grant reimbursements may be restricted to the procurement requirements of such grants as understood at the time of procurement. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 11, 1985)

3.12.120 COMPETITIVE PROPOSALS.

A. A contract not awarded by competitive sealed bidding shall be awarded by competitive sealed proposals, unless otherwise provided for in this chapter.

B. The city may determine in writing that it is either impracticable or disadvantageous for the city to procure specified types of supplies or contractual services by competitive sealed bidding that would otherwise be procured by that method. When the city determines in writing that the use of competitive sealed bidding is either impracticable or disadvantageous to the city, a contract may be entered into by competitive sealed proposals in accordance with this section. The city shall specify with particularity the basis for the determination.

C. A request for proposals must contain the essential information necessary for an offeror to submit a proposal including a time, place and date by which the proposal must be received or contain references to any information that cannot reasonably be included with the request. The request must provide a description of the factors that will be considered when evaluating the proposals received, including the relative importance of price and other evaluation factors.

D. Notice of request for proposals shall be given in accordance with procedures set out under section 3.12.100(b). The city may use additional means considered appropriate to notify prospective offerors of the intent to enter into a contract through competitive sealed proposals.

E. The procurement agent shall open proposals so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals containing the name and address of each offeror shall be prepared in accordance with policies adopted by the procurement agent. The register and the proposals, except as otherwise noted in this section, are open for public inspection after the award is issued. To the extent that the offeror designates and the city administrator concurs, trade secrets and other proprietary data contained in the proposal documents shall be confidential.

F. Discussion with responsible offerors and revisions to proposals. As provided in the request for proposals, and under policies adopted by the city, discussions may be

conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements. Offerors reasonably susceptible of being selected for award shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before the award of the contract for the purpose of obtaining best and final offers. In conducting discussions, the city shall not disclose information derived from proposals submitted by competing offerors.

H. A contract may be awarded under competitive sealed proposals to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set out in the request for proposals. The contract file must contain the basis upon which the award is made. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 12, 1985)

3.12.130 OPEN MARKET PURCHASES/PROCUREMENTS.

The following may be purchased without competitive bidding:

A. Supplies, materials, equipment or contractual services when combined cost does not exceed ten thousand dollars in a single transaction;
B. Supplies, materials, equipment or contractual services which can only be furnished by a single dealer or which has a uniform price wherever bought;
C. Supplies, materials, equipment or contractual services procured from another unit of government at a price deemed below that obtainable from private dealers, including war surplus;
D. Contractual services procured from a public utility corporation at a price or rate determined by state or other government authority;
E. Contractual services of a professional nature, such as medical services, or insurance policies whose nature demands immediate action;
F. Supplies, materials or equipment which cannot be procured locally and which can be procured from a source selected by another unit of government pursuant to competitive bidding procedures to provide the same or similar supplies, materials or equipment if:
    1) The award was made by the governmental unit; and
    2) The item(s) can be procured at the same price plus additional freight or delivery charges if applicable;
G. The city encourages local procurement whenever practicable. Procurements made under this section shall only be made after a reasonable attempt to evaluate procurement options from a local source;
H. Professional services such as, but not limited to, services rendered by architects, attorneys, engineers, appraisers, surveyors, accountants and other specialized consultants provided, that the procedures set out in section 3.12.140 are followed.
I. When public work is performed by the city with its own employees.

J. To contracts primarily involving the purchasing of supplies, materials, equipment, or contractual services using state or federal grants when the grant funds are being spent by a state or federal agency pursuant to that state or federal agency's procurement rules and regulations.

K. When either competitive procedure has been followed, but no bids or quotations are received. In such a case, the purchasing agent may proceed to have the services performed or the supplies purchased without further competitive bidding or quotation.

L. When the city council determines that the public interest would be best served by the purchase of used equipment and, by resolution, authorizes the purchasing agent to locate and purchase a particular type and quantity of used equipment.

M. Where calling for bids on a competitive basis is unavailing and impossible, including but not limited to situations where rates are set by statute or ordinance or where like items are traded in, or where used items are being purchased. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 13, 1985)

3.12.140 PROFESSIONAL SERVICES.

A. Due to the nature of professional services, it is in the best interest of the city to use a qualitative selection process, with or without consideration for price, in the city's discretion, when in need of these services.

1. For professional services estimated by the city to be one hundred thousand dollars or less, direct solicitation of contractors or consultants may be made from a roster maintained by the city, or to such other vendors who may be known to the city as possessing the required expertise. These solicitations will seek to evaluate the qualifications, experience, and availability of particular vendors. When more than one vendor is considered, the procurement agent will appoint a selection panel to evaluate the potential vendors and offer a recommendation for selection.
2. For professional services estimated by the city to be more than one hundred thousand dollars, a formal request for qualifications will be solicited. Public notice of requests for qualifications will be given in accordance with the same procedures set forth in section 3.12.100(b). The procurement agent will develop and publish qualitative selection criteria for evaluating all responses to requests for qualifications received. In multi-phase projects the city may contract with a professional services provider that has provided professional services in an earlier phase of the same project, without the solicitation of formal request for qualifications, in order to maintain project continuity or to otherwise promote the best interest of the city.

B. The provisions of sections 3.12.060 and 3.12.080 apply to all professional services contracts.

C. The duration of professional services contracts may not exceed two years, except for completion of work in progress under architectural or engineering contracts. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 14, 1985)

3.12.150 HYBRID PROCUREMENTS.

When contracting for procurement of supplies, materials, equipment or contractual services, as contemplated under section 3.12.110, and professional services, as contemplated under section 3.12.140, within the same contract, the city shall utilize the procedures set forth in section 3.12.120. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 15, 1985)

3.12.160 CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACTS.

The city may award a two-phase construction manager/general contractor contract for preconstruction services and construction services on a single project.

A. In the preconstruction services phase of a contract under this section, the contractor shall provide the city with advice for scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.
B. Prior to the start of the construction services phase, the city and the contractor may agree to a price and other factors for the construction of the project or a portion of the project.
C. If an agreement is reached under subsection b of this section, the contractor shall be responsible for the construction of the project or portion of the project at the negotiated price and in compliance with the other factors specified in the agreement.
D. A contract shall be awarded under this section using the competitive selection process set out in section 3.12.120 and based on qualifications, experience, best value, or any other combination of factors deemed relevant to the procurement. (Ord. 22-02-01-01; Prior Ord. 02-03-21-01 § 3, 2002; Ord. 98-07 §§ 3(part), 4(part), 1998; Ord. 89-05 § 4(part), 1989; Ord. 85-01-17-02 § 16, 1985)

3.12.170 CONTRACTOR BONDING REQUIREMENTS.

A. Before a contract exceeding one hundred thousand dollars for the construction, alteration, or repair of a public building or public work is awarded to a general or specialty contractor, the contractor shall furnish to the city the following bonds, which become binding upon the award of the contract to that contractor:
    1. A performance bond with a corporate surety qualified to do business in the state, or at least two individual sureties who shall each justify in a sum equal to the amount of the bond; the amount of the performance bond shall be equivalent to the amount of the payment bond.
    2. A labor and materials payment bond with a corporate surety qualified to do business in the state, or at least two individual sureties who shall each justify in a sum equal to the amount of the bond, for the protection of all persons who supply labor and material in the prosecution of the work provided for in the contract. When the total amount payable by the terms of the contract is not more than one million dollars, the labor and materials payment bond shall be in a sum of one-half the total amount payable by the terms of the contract; when the total amount payable by

the terms of the contract is more than one million dollars and not more than five million dollars, the payment bond shall be in a sum of forty percent of the total amount payable by the terms of the contract; when the total amount payable by the terms of the contract is more than five million dollars, the payment bond shall be in the sum of two million five hundred thousand dollars.

B. The city hereby exercises its option under as 36.25.025 to exempt contractors from compliance with the provisions of subsection a of this section and as 36.25.010(a) if the estimated cost of the project does not exceed four hundred thousand dollars and:
   1. The contractor is, and for two years immediately preceding the award of the contract has been, a licensed contractor having its principal office in the state;
   2. The contractor certifies that it has not defaulted on a contract awarded to the contractor during the period of three years preceding the award of a contract for which a bid is submitted;
   3. The contractor submits a financial statement, prepared within a period of nine months preceding the submission of a bid for the contract and certified by a public accountant or a certified public accountant licensed under as 08.04, demonstrating that the contractor has a net worth of not less than twenty percent of the amount of the contract for which the bid is submitted;
   4. The total amount of all contracts that the contractor anticipates performing during the term of performance of the contract for which a bid is submitted does not exceed the net worth of the contractor reported in the certified financial statement prepared and submitted under subsection (b)(3) of this section by more than seven times. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 17, 1985)

3.12.180 RECORDS.

All procurement records shall be retained and disposed of in accordance with city records retention guidelines and schedules approved by the city council and city clerk. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 18, 1985)

3.12.190 REVIEW AND APPROVAL BY THE MAYOR AND/OR CITY ATTORNEY.

Contracts and standard specifications, terms, and conditions may be reviewed and approved as to form by the mayor or city attorney at the discretion of the mayor. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998; Ord. 85-01-17-02 § 19, 1985)

3.12.200 INSURANCE POLICIES.

A. The city will purchase policies of insurance following the open market procedures provided in this chapter.
B. Open market procedures will not be required for a policy that:
    1. Has an annual premium or charge less than three hundred dollars;
    2. Provides liability coverage for a single event;
    3. Is for property title insurance;
    4. Has its premium or charge fixed by state statute;
    5. Is health, life, or disability insurance procured by the city for the benefit of city employees, their spouses or dependents made available to the city as a political subdivision of the state; or;
    6. Is provided through a joint insurance arrangement as set forth in AS 21.76.
C. Open market procedures are not required for a change in policies in effect, or to acquire policies supplemental to an existing policy if the policies in effect cannot be changed; provided the change or supplemental policies are approved by the council. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 20, 1985)

3.12.210 SUBDIVISION PROHIBITED.

No project or contract specifications will be subdivided to avoid the requirements of this chapter. This provision will not apply in the event that a funding source is located by the city which will pay a portion of an overall project; in that event, the portion that is being paid from a separate source may be deducted from an overall project or contract. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 21, 1985)

3.12.220 ENCUMBRANCE OF FUNDS.

Except in cases of emergency declared by the mayor or the council, as provided in this chapter, no contract or any change order to an existing contract will be authorized unless there is a sufficient unencumbered balance in the budget appropriation of the using agency or sufficient bond funds available, in excess of actual expenditures or commitments, to cover such contract or change order. (Ord. 22-02-01-01; Prior Ord. 85-01-17-02 § 23, 1985)

3.12.230 BILLING-PAYMENT CERTIFICATION.

A. The city administrator, or his/her designee, shall certify all bills for payment.

B. The city administrator, or his/her designee, will ensure that such payments are fiscally regular, legal, and within budgetary constraints. (Ord. 22-02-01-01; Prior Ord. 98-07 §§ 3(part), 4(part), 1998: Ord. 85-01-17-02 § 24, 1985)

CHAPTER 3.15 - SHORT TERM INVESTMENT POLICY

3.15.010- INVESTMENT OF OPERATING FUNDS;

Objective. There are opportunities from time to time for the city to invest surplus operating funds. Such funds are generally short-term in nature and are often restricted as to their use. Safety of principal is the foremost investment objective of the City of Thorne Bay. Each investment transaction shall seek to first ensure that capital losses are avoided, whether they are from securities defaults or erosion of market value. The City of Thorne Bay seeks to attain market rates of return on its investments, consistent with constraints imposed by its safety objectives and cash flow considerations that restrict placement of public funds. All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction that might impair public confidence in the City of Thorne Bay.

3.15.020-TREASURY MANAGEMENT.

The responsibility for conducting investment transactions resides with the mayor and city administrator. The mayor and the city administrator shall not deposit funds in any depository that is not a member of the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA) or the Securities Investor Protection Corporation (SIPC). Investments shall be made with judgment and care – under circumstances then prevailing – which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

3.15.030-PERMISSIBLE INVESTMENTS.

A. Operating funds of the City of Thorne Bay may be invested in:

1. Federally insured or fully collateralized certificates of deposit of banks and credit unions maturing within two years;
2. U.S. Government Treasury, agency and instrumentality securities;
3. Notes or bonds issued by the state of Alaska or its political subdivisions or other states of the United States, maturing within two years, with a credit rating of A-/A3 or better from two national ratings agencies, maturing within two years;
4. Repurchase agreements collateralized by U.S. Treasury securities and marked to market. If repurchase agreements are overnight investments or if securities are collateralized in excess of 102 percent, marked to market is not necessary;

5. A state investment pool formed within the state of Alaska and comprised of agencies of the state and/or its political subdivisions;
6. Money market mutual funds whose portfolios consist entirely of U.S. Government securities.

B. Sales tax proceeds allocated for community development may be invested in:
   1. Helping Businesses expand or conduct emergency repairs associated with essential services;
   2. Investment rate determined by certificate of deposit interest rates offered by the city's investment broker on terms consistent with certificate of deposits'
   3. Essential services include the supply of; boat or vehicle fuel, air service, mail service, heating fuel, propane, electricity, food or other essential services approved by the City Council. (Ord. 17-04-18-01)

CHAPTER 3.17 - CONSUMER'S SALES TAX

3.17.010 DEFINITIONS.

For the purposes of this chapter, the following words and phrases have the meanings respectively ascribed to them:

A. "Buyer" or "consumer" means and includes, without limitation on the generality of the terms, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

B. "Delivery" means that goods have been placed within the buyer's control.

C. "Lease" means a contract permitting the use or occupancy of real or personal property for consideration.

D. "Other Lease Types" means any lease that is not a capital lease.

E. "Remuneration for services" means and includes the gross remuneration received for furnishing labor and materials for accomplishing a specified result, including travel and adventure services, and rentals of all types, including but not limited to rentals of equipment, buildings, lands and materials. It shall not be construed to include salaries or wages received by an employee from an employer.

F. "Rental" means any transfer of the right to use or occupy property for consideration.

G. "Residential Rentals" means rental of a dwelling designed for living or sleeping purposes.

H. "Retail sale" or "sale at retail" means any nonexempt sale of services, rentals, or tangible personal property made to a buyer who intends to use, consume, or receive the item or services purchased for his own personal use as the ultimate consumer with no intention to sell the item again, whether to be sold in the same form as received, or in the same modified condition or after fabrication or use with some other substance or item. Notwithstanding any other provision of this chapter, arrangements made with another person or agent, including, but not limited to, a travel agent, broker, representative, tour operator, tour marketer, or cruise ship line, by a provider of services, rentals or goods to market such services, rentals, or goods, (including travel and adventure services) or to provide such services, rentals or goods to another person, or the transfer to the buyer of the right or privilege to receive or assign such services, rentals or goods, is a taxable sale by such provider, and such provider is a seller for purposes of this chapter. The point of delivery of services, rentals, or tangible property is the point at which the sale is deemed to have occurred except purchase of city harbor privileges as provided in (c) of this section.

   1. The sale is subject to the city's sales tax when the point of delivery of tangible personal property is within the city.
   2. Where a real estate rental is located or where other rental property is delivered in the city, the sale of the same is subject to the city's sales tax.

3. Where a buyer receives a service within the limits of the city, and the service begins and ends therein, or, where the buyer receives an entire service therein, the sale of the same is subject to the city's sales tax; provided, however, purchase from the city of the privilege to use any harbor facilities owned or operated by the city shall be deemed to be a transaction and sale that shall be taxable unless otherwise made exempt by this code.
4. A person who furnishes proof, in the form required by the revenue collector, that he has paid a sales tax in some jurisdiction other than the city, on the sale of services, rentals, or tangible personal property, is required to pay the City's sales tax only to the extent between the amount of the sales tax so paid elsewhere and the amount of the sales tax levied by the City. This paragraph applies to a sales tax levied in any taxing jurisdiction whether in or outside the state. (Ord. 17-03-21-02)

I. "Sale for resale" means the sale of tangible personal property to a buyer whose principal business is the resale of the property whether in the same or an altered form and who holds a valid resale certificate issued by the City of Thorne Bay. Sale for resale also means the provision of services to a broker whose principal business is the resale of those services to an ultimate consumer and who holds a valid resale certificate issued by the City of Thorne Bay. Resale certificates do not apply to: travel and adventure services if the sale is to a person who would be entitled to claim the exemption provided by section or supplies purchased by travel and adventure service providers, hotels/motels, lodges, apartment/house rentals, or bed and breakfasts which are not separately charged to the consumer when resold.

J. "Sales tax" means and includes the tax herein levied on gross revenues derived from all taxable commercial retail sales, rentals and services, including sales of travel and adventure services, said revenues being computed in dollars and cents and the tax payable by the seller, the person performing the services, or the person receiving gross revenues from rentals to the city.

K. "Sales price" means and includes the consideration, whether money, credit, rights, or other property expressed in terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of property sold, the cost of materials used, labor costs, discount, delivery costs, or any other expenses whatsoever paid or accrued, and without any deduction on account of losses.

L. "Seller" means and includes every person making sales at retail, including travel and adventure services, to a buyer or consumer whether as agent, broker or principal, and the term also means and includes persons performing services for remuneration as well as persons receiving gross revenues derived from rents.

M. "Service" means any application of labor, skill or knowledge to produce value in exchange for consideration and may include the provision of property or the right to use or occupy property but does not include services rendered to an employer by an employee. "service" may include, but is not limited to:

1. Professional, advertising, maintenance, recreation, amusement, and craftsman services.
2. Services in which a product or sale of property may be involved, including personal property made to order.
3. Utility services including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable television, and internet services.
4. The sale of transportation services originating inside the city.
5. Services rendered for compensation by any person who furnishes any such services in the course of the person's trade, business, or occupation including services rendered for commission when the commission is paid on a service or product that has not been charged the city sales tax.

N. "Shipping and Freight Hauling Services" means the service of transporting goods by means other than the United States postal service.

O. "Single-unit sale" means the sale of a separate, single item or service which is customarily sold, advertised, contracted for sale or sold in the normal course of business as a separate and single item or unit or by a single unit of measurement (i.e., per gallon, ton, hour, day, week, month, foot, sack, yard, pound, piece, group, each, box, set, package, or other common unit of measurement). A single-unit sale shall include a sale by contract, quote, bid or other lump-sum amount only if the sale is based on and computed as a single bid, quote, sum, or package price rather than as an accumulation, sum, or aggregation of prices of separate identifiable or separable unit prices as defined above. For purposes of package tours, every individual in the tour will count as a single unit. For purposes of harbor fees and port dockage, each foot or other measurement of length will count as a single unit.

P. "Transaction" means any transfer of property, or the right to use or occupy property, or the rendering of a service, for consideration.

Q. **"Travel and Adventure Services"** include, but are not limited to, tours and charters on land and water, guide services, admissions, lectures, transportation services (excluding air transportation), and the rental of lodging, aircraft, vehicles, watercraft, and equipment, including fishing, boating, camping and other tour or adventure related goods. Travel and adventure services also include sales of goods incidental or related to such services. Regardless of the location of any marketing, brokering, packaging, re- sale, assignment, or other arrangement and regardless of the beginning or ending of any other related services the point of delivery of a travel and adventure service is within the city if the ultimate consumer of the travel and adventure service receives any such service which begins, ends, or occurs, as described in (c) of subsection (3) above. (Ordinance 20-07-21-01; Adding § B, C, D, F, G, M & N)

3.17.011 DELIVERY CHARGES.

A. Delivery Charges. Delivery charges for services rendered for delivery of any personal property, goods or materials which delivery services both commence and terminate within the city are subject to sales taxes.
B. Definition. "Delivery charges" means and includes any costs or charges imposed on the sale of freight services, shipping services, courier services, wharfage services, postal services, excepting postal delivery services rendered by the United States postal service, and any other services related to the delivery or transportation of any personal property, goods or materials of any nature whatsoever. (Ord. 984 §3, 1982)

3.17.012 EMPLOYEES/SUBCONTRACTORS--SALE OF SERVICES.

A. The remuneration paid by an employer in the form of wages or salary to an employee for the sale of services by such employee to the employer are not taxable under the provisions of this chapter. Sales of services by contractors, or subcontractors, and any other type of sale of a service by a person other than an employee are taxable unless specifically exempted.
B. A person shall be deemed to be an employee under the provisions of this chapter if the person claiming to be at employer is withholding a portion of such person's wages or salary in accordance with federal income tax laws and regulations. In the event no amounts are being withheld, it shall be presumed such person is not an employee unless the person claiming to be his employer submits clear and convincing evidence establishing the person's status as an employee.

3.17.015 MULTIJURISDICTIONAL SERVICES.

A. All services which either commence or terminate within the city, or which are in any part rendered, supplied or provided within the city, shall be-subject to sales tax, except as otherwise provided in this chapter.
B. Sightseeing charter services and shore excursions by land or water, which are provided by a person in the business of providing such services and are either sold within the city or begin or end within the city are subject to sales tax under this chapter to the maximum extent permitted consistent with state and federal law.

3.17.020 LEVY OF TAX.

To the fullest extent permitted by law, a sales tax of six percent is hereby assessed and levied on the following sales, except as otherwise specifically exempted under this chapter:

A. All retail sales; including yard sales, and sales of similar type items occurring at the same location on a regular basis, whether for profit or non-profit (weekly, bi-weekly, monthly constitute a regular basis) catalog and internet sales sold locally or out of the area.

B. All services; including the gross receipts earned as commissions by real estate agents for sales occurring within the city limits;
C. All rents and fees paid for the use of real and personal property. (Ord. 17-03-21-02)
D. Sellers with a physical presence and point of delivery. A seller that establishes a physical presence and point of delivery within the city in any calendar year will be deemed to have a physical presence within the city for the following calendar year. A seller has a physical presence under this chapter who establishes one or more of the following:
   1) Has any office, distribution or sales house, warehouse, storefront, or any other place of business within the boundaries of the city;
   2) Solicits business or receiving orders through any employee, agent, salesman, or other representative within the boundaries of the city or engages in activities in this state that are significantly associated with the seller's ability to establish or maintain a market for its products in this state;
   3) Provides services or holds inventory within the boundaries of the city;
   4) Rents, sells, or leases property located within the boundaries of the city; or
   5) Constructs, repairs, renovates, or improves real property if the real property is located in the city.
E. Remote sales. A remote seller or marketplace facilitator without physical presence in the city that make sales of products, rentals or provides services transferred electronically, or delivered to a point of delivery located inside the city, shall be subject to the Alaska remote seller sales tax code as provided in section 3.17.220. (Ordinance 20-07-21-01; Adding § D & E)

3.17.025 RULES APPLICABLE TO PARTICULAR BUSINESS OCCUPATIONS

A. Real Estate Sales Commissions.

1. Commissions and/or realtor fees for the sale, rental or management of real property located in the city are subject to sales tax, regardless of the location of the person to whom the commission and/or fee is payable.
2. Commissions and/or fees for the sale, rental or management of real property payable to a person who maintains an office in the city are subject to sales tax, regardless of the location of the real property.(Ordinance 20-07-21-01; adding Section 3.17.025 in its entirety)

3.17.030 DUTY OF SELLER TO COLLECT.

A. The tax levied under the provisions of this chapter is primarily upon the buyers of the personal property, rentals, or services, but the tax is payable to the city by the seller regardless of whether the seller has collected the same from the buyers. It is the duty of each seller to collect from the buyer or consumer the full amount of the sales tax payable on each taxable sale, service or rental, at the time the property sold is delivered, or when the rentals are collected. Every sale, which is made within the city, unless explicitly exempted by this chapter, or a subsequent ordinance, shall be presumed to be subject to the tax imposed under this chapter in any action to enforce the provisions of this chapter.

B. In the specific instances where the tenant is occupying space in a USDA Forest Service, owned building or land, it is the tenant's obligation to pay the sales tax directly to the city, unless the landlord is willing to voluntarily receive the tax payment and remit to the city. The Landlord shall be responsible for all delinquent or unpaid sales taxes incurred by their tenants. (Ord. 17-03-21-02) (17-12-05-02)

3.17.35 TEMPORARY SUSPENSION OF SALES TAX COLLECTION.

The Council may for periods of up to one month, suspend the duty of a seller to collect the tax levied under this chapter. The Council may establish regulations, conditions, and limitations on the suspension of the duty to collect the tax. Such regulations, conditions, and limitations may apply the suspension to the sale of certain goods, or services while requiring the collection of the tax on other goods or services.

3.17.040 TAX ADDED TO SALES PRICE.

Sellers shall add the sales tax to the sales price, rental, or charge for services. Such sales tax is a debt from the buyer or consumer to the seller until paid, and the same is recoverable at law in the same manner as other debts.

3.17.050 UNLAWFUL FOR SELLER TO FAIL TO COLLECT.

A. Any seller who willfully or intentionally fails, neglects, or refuses to comply with the provision of this chapter is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars, or imprisonment, not to exceed thirty days, or both; each act of violation and every day upon which any such violation occurs shall constitute a separate offense.

B. In addition to the penalties provided elsewhere for violation of this section, a seller who intentionally or recklessly violates this section shall be liable to the city for civil penalties in an amount of three times the amount of sales tax the seller failed to collect.

3.17.051 COLLECTION OF SALES TAX AND NOT DUE.

It shall be unlawful and a violation of this title for a person to charge and collect sales tax which is not due under this title. (Ord. 1562 §7, 2006)

3.17.060 TAX TO BE PAID QUARTERLY.

The tax levied under this chapter is due and payable at the expiration of each quarter of each calendar year. It is the duty and responsibility of every seller liable for the collection of any tax imposed in this chapter, unless otherwise provided herein, to file with the revenue collector upon forms prescribed and furnished by the revenue collector, a return, prepared under oath, setting forth the amount of all sales, taxable and nontaxable, the amount of tax thereon and such other information as the revenue collector may require on such form or forms. The completed and executed return, together with remittance in full for the amount of the tax due, shall be transmitted to and received by the revenue collector's department of administrative services on or before 5:00 p.m., local time on the last day of the month succeeding the end of each quarter. If the last day of the month succeeding the end of a quarter is a Saturday, Sunday or a holiday observed by the revenue collector; the completed and executed return and amount of the tax due shall be transmitted and received by 5:00 p.m., local time on the next business day. Returns may be accepted based upon a timely postmark only if the return is sent certified or registered mail and receives a United States postal service cancellation on or before the due date. (ord. 1369, §1,1997) (Ord. 17-03-21-02)

3.17.065 REGISTRATION.

A. A person, firm, partnership, corporation or other business entity shall file an application for registration with the revenue collector's department of administrative services on a form provided by that department, prior to making any retail sales, rendering any services, making rentals within the city or the opening of an additional place of business in the city. The completed application shall be returned to that department of administrative services along with the required licensing fee and a copy of the business entity's Alaska State business license.

B. Each business entity shall be registered under the advertised name, and each separate business shall be registered under its own account.

C. A person, corporation or other association that is about to make sales, perform services or make rentals shall first register with the revenue collector's department of administrative services and shall pay the licensing fee as required by TBMC Chapter 5.02-Business Licensing and Registration. (Ordinance 21-08-17-01)

3.17.070 DUTY TO KEEP BOOKS--INVESTIGATION.

A. Every seller shall keep and preserve suitable records of all sales made by him, and such other books or accounts as may be necessary for the revenue collector to determine the amount of tax for the collection of which he is liable hereunder. Every such person shall keep and preserve for a period of two years all invoices of goods and merchandise purchased for resale, and all such books, invoices and other records as may be necessary, all of which are open for examination at any reasonable time by the revenue collector, the City Administrator, city administrator, or his or their designee.

B. For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax collected or which should have been collected by any person, the City Administrator or his designee may hold investigations and hearings concerning any matters covered by this chapter, and may examine any relevant books, papers, records, or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person. The City Administrator or his designee has the power to administer oaths and affirmations to such persons, and if any such person, being first duly sworn, refuses to answer any questions put to him by the manager or his designee, the manager may apply to the superior court for an order requiring the person to answer the questions. The City Administrator may issue subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda. If any person refuses to obey any such subpoena, the City Administrator may apply to the superior court for an order requiring the person to comply therewith. The City Administrator is authorized to make arrangements with the City of Thorne Bay, authorizing the city to conduct the investigations and hearings provided herein, including the exercise of all the powers created in this chapter.

C. In the event the revenue collector is unable to ascertain the tax due to be remitted by a seller by reason of the failure of the seller to keep accurate books, allow inspection, failure to file a return, or falsification of records, the revenue collector may make an estimate of the tax due based upon all of the information available. Notice of the estimate of taxes due shall be furnished by certified mail to the seller and shall become final for the purposes of determining liability of the seller to the city in thirty days unless the seller earlier files an accurate return, supported by satisfactory records, indicating a lesser liability.

3.17.080 PENALTY AND INTEREST ON DELINQUENT TAXES.

A. In the event a seller fails or neglects to file a return when due, or fails to remit taxes collected, or which should have been collected, in a timely manner as required by this chapter, then such return and tax is delinquent, and the revenue collector shall add thereto penalties as follows:

1. Within five calendar days after delinquency date 6%

2. More than five calendar days up to and including thirty days after delinquency date 15%
3. More than thirty days up to and including sixty days after delinquency date 20%
4. More than sixty days after delinquency date 25%

B. Interest shall accrue on the unpaid tax, not including penalty, from the date of delinquency to the date of payment at the rate of one percent per month. All remedies available to the revenue collector to collect taxes, penalties and interest, plus collection costs, shall commence on the date of delinquency. Payments received after the date of delinquency shall be applied first to payment of any collection costs, next an interest, next on penalty, and next on the tax. In the event of partial payment, penalties shall continue to accrue on the unpaid portion of the tax as provided for in (a) of this section. Interest at the rate of one percent per month shall also accrue on any unpaid amount of tax until paid in full. (Ordinance 21-11-16-01)

3.17.085 SALES TAX LIENS.

A. The sales tax, interest, and penalties imposed by this chapter, and the administrative costs under subsection (f) of this section, shall constitute a lien in favor of the city upon all of the real and personal property of every person making taxable sales subject to this chapter.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent under Section 3.17.080 and continues until the entire amount is satisfied.

C. If delinquent sales taxes, including interest and penalties, are not paid within ten days from the mailing of notice and demand for payment thereof, a notice of lien may be recorded in the office of the district recorder. Upon recordation, the sales tax lien has priority over all other liens except

1. liens for property taxes and special assessments;
2. liens that were perfected before the recording of the sales tax lien for amounts actually advanced before the recording of the sales tax lien;
3. mechanics, and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the sales tax lien.

D. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens in AS 09.45.170-09.45.220.

E. The remedy provided in this section is not exclusive and shall be in addition to all other remedies available to the revenue collector to collect the sales taxes, penalties and interest due under this chapter.

F. Fees for the administrative costs of filing on notices of liens, and releasing of liens shall be:

1. Filing of notices of lien: twenty-five dollars plus recorder's office filing fee.
2. Release of liens: twenty-five dollars plus recorder's office filing fee.

G. If administrative costs for the filing of notices of liens and releasing of liens are imposed and have been collected by the City of Thorne Bay on delinquent sales taxes, including penalties and interest, no additional administrative costs shall be collected under subsection (f) of this section.

3.17.090 SALE OF BUSINESS--FINAL RETURN--LIABILITY OF PURCHASER.

If any seller sells his business to another person, he shall make a final sales tax return within five days after the date of selling the business; and his purchaser, successor, successors, or assigns, shall withhold a sufficient portion of the purchase money to pay the amount of sales taxes, penalties and interest due and unpaid to the city; and provided, further, the purchaser, successor, successors, or assigns are personally liable for the payment of the taxes, penalties and interest, accrued and unpaid to the city or city or both on account of the operation of the business by any former owner, owners, or assigns as shown by the final return or an audit conducted by the city within thirty days of the filing of the final return. Before any such sale is completed, the buyer and seller shall send to the revenue collector, by registered first-class United States mail, postage prepaid, a copy of the notice referred to in AS 45.06.105, which statute is made a part of this chapter, and the notice shall be so sent regardless of whether such notice would have otherwise been required to have been made and sent under the other provisions of AS 45-06.101, et seq., Uniform Commercial Code--Bulk Transfers.

3.17.100 EXEMPTIONS.

The following sales and services are exempt from the sales tax :

A. Retail sales and remuneration for services amounting to less than one hundred twenty-five dollars in any calendar quarter; however, any sales taxes collected shall be remitted;

B. Casual and isolated sales not made in the regular course of business;

C. Sales of insurance and bonds of guaranty and fidelity;

D. The agreed value of new or used articles taken in trade as credit or part payment on the sale of new articles shall be deducted from the value of the article being purchased in determining the tax;

E. Gross receipts derived from sales, services, rentals and transactions which the municipalities are prohibited from taxing under the Constitution and laws of the United States or the state;

F. Gross receipts derived from sales initiated by orders received from outside the city where delivery is made outside the city by mail or commercial common carrier;

G. Gross receipts derived from funeral charges and services, medical, dental, optometric, hospital services, or from sales of prescription medicines oxygen used for medical purposes, blood or blood plasma, artificial devices designed or altered for the use of a

particular crippled person, artificial limbs, eyes and organs, hearing aids, prescription eyeglasses, artificial teeth sold by a dentist and materials used by a dentist in treatment, crutches, and wheelchairs; provided, however, services rendered by barbers, cosmeticians and masseurs are not exempt;

(1) Gross receipts from sales, services and rentals to any nonprofit organization or nonprofit institution if such organization or institution is organized exclusively for religious, educational, or charitable purposes, and if such organization or institution has obtained a certificate of exemption as provided for in subsection (2) and displays that certificate of exemption as provided for in subsection (3) below.

(2) Any organization or institution described in subsection (1) may apply to the City of Thorne Bay revenue collector for a certificate of exemption. Such application shall be made on forms to be furnished by said revenue collector, and each applicant shall be required to furnish such information as said revenue collector may reasonably require. If the revenue collector determines that the applicant is entitled to an exemption provided for in this section, the revenue collector shall issue or cause to be issued a certificate of exemption which shall be effective as of its date of issue. The revenue collector shall endeavor to issue or deny the exemption within thirty days after the date an application is filed;

(3) A buyer seeking to make a purchase entitled to a sales tax exemption under subsection (1) shall display a valid certificate of exemption to the seller at the time of purchase. If the buyer does not so display the required valid certificate of exemption the sale is taxable, and the seller shall collect the sales tax due on the sale.

H. Gross receipts derived from sales, services and rentals to the United States Government, the state and its political subdivision, and municipalities, or agencies funded by these governments;

I. Retail sales of food in school and college cafeterias and lunchrooms which are operated primarily for teachers or students and which are not operated for profit;

J. LEFT BLANK INTENTIONALLY

K. Gross receipts or proceeds derived from the transportation of students to and from grade or high schools in motor or other vehicles;

L. Gross receipts derived from sales of real property, excepting the gross receipts earned as commissions by real estate agents shall be taxable;

M. Dues or fees to nonprofit clubs, labor unions, or fraternal organizations;

N. Gross receipts derived from veterinary services;

O. Gross receipts or proceeds derived from sales made directly to consumers or users of newspapers;

P. LEFT BLANK INTENTIONALLY

Q. Gross receipts derived from sales of educational services by a nonprofit institution in providing a program of learning on a formal study basis in an institution of learning which has an organized curriculum consisting of specific subjects and skills as outlined in the State of Alaska course of study as officially adopted by the State Department of Education for elementary, junior high or senior high schools, for children ages five through eighteen.

R. Gross receipts derived from sales of day care services for children;

1) Gross receipts derived from sales where the purchase is made with food coupons, food stamps or other type of certificate issued under 7 U.S.C. Sections 2011-2025 (Food Stamp Act); and
2) Food instruments, food vouchers, or other type of certificate issued under 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants, and Children).

S. That part of the sales price paid by the buyer for travel and adventure services purchased outside the city, which is not remitted, directly or indirectly, to the person providing or performing the service and which is a selling cost or commission or similar charge.

T. Remuneration received for services and materials, including caskets, used or furnished for funerals;

U. The part of the selling price of a single item of tangible personal property that exceeds seven thousand five hundred dollars ($7,500.00). A single item is an item sold in a single sale consisting of integrated and interdependent component parts affixed or fitted to one another in such a manner as to produce a functional whole. It includes optional accessories for such items as boats and automobiles if the accessories are useful or essential for the operation or use of the item, and include in the original transaction/sale;

V. Airfare or the air charter sales price paid for transportation of persons or on a federal airway but excluding the portions of a sale of flightseeing or round-trip air/water/shore excursion travel or adventure services which are not charges for transportation of persons on a federal airway.

W. Gross receipts in excess of ten thousand dollars derived from sales of material and labor for the clearing of land, excavation, or fill or placement of material on real property for construction of a facility, and sales of building construction materials and labor used in constructing a permanent building within the city, provided that the improvements are constructed pursuant to a valid sales tax exemption permit issued or renewed no more than one year prior to the sale of transaction being exempted from the tax. Construction materials shall include: all structural and finish materials for a permanent building used on the lot wherein the building is being constructed, and installation of infrastructure to said building such as water, sewer, power and phone and all parts to said infrastructure. Sales, to qualify for this exemption, shall be recorded by the seller, together with the date, the purchaser's name, and the sales tax exemption permit number. Any purchaser who attempts to avoid paying sales tax by using a sales tax exemption permit number

for materials or labor not actually used in the structure for which the permit was issued shall be subject to a civil penalty up to twenty-five percent of the price of the materials or labor involved in the evasive purchase. The cost of the permit will be six hundred dollars; 3.16.050. (Ordinance 05-09-06-01; Prior Ord. 10-03-02-01)

3.17.110 SALES TAX EXEMPTION FOR THE ELDERLY.

Anyone sixty-five years of age or older may apply for and be issued by the City Administrator or designee a senior citizen's sales tax exemption card, for fifteen dollars, to be renewed bi-annually. This card entitles the person to be exempted from the operation of the city's consumer's sales taxes on purchases of all types of property, rentals and services, except alcoholic beverages of all types and all types of tobacco products, not for use in any trade or business. No seller within the city shall charge or collect the sales tax on exempted purchases from any person who displays such a valid sales tax-exempt card. All sellers within the city shall keep records of such exempt sales and submit quarterly totals of such sales to the revenue collector, together with any other information required by law. To qualify for a tax exempt card a person must provide a copy of their Alaska ID or driver's license, and proof they have resided in Alaska, as a permanent resident for the past 12 months, received an Alaska Permanent Fund Dividend, documentation required as part of a permanent fund application or other documentation that verifies a person has established permanent residency in Alaska must be submitted to show proof of residency. (Ordinance 17-05-16-04)

A. A spouse under 65 years of age is not eligible for the exemption and cannot purchase anything without the presence of the exempt spouse except as listed in subsection (B) of this section.
B. No person who has not duly applied for and received such an exemption card may use it to obtain such tax exemption. However, in the case where a person is an invalid or otherwise physically unable to leave their home or dwelling to use the card, the city may issue a special card authorizing another person to use the special card for the benefit of the invalid or otherwise physically unable person to use the card. (Ord. 12-08-07-01)

3.17.120 UNLAWFUL TO MISREPRESENT EXEMPTIONS.

Any buyer or consumer who falsely states or in any way misrepresents the use to which merchandise or material is to be put for the purpose of securing tax exemption under the terms of this chapter is guilty of an unlawful act and upon conviction thereof is subject to the penalties provided in section 3.17.060 of this chapter. (Ord. 870 §2(part), 1977)

3.17.130 USE OF PROCEEDS OF SALES TAX.

As of January 1, 2010, Thorne Bay Municipal Sales Tax is 6%. Five sixths (5/6) or eighty-three percent (83%) of the total sales tax collected shall be used for general municipal purposes.

One sixth (1/6) or seventeen percent (17%) shall be placed in a savings account at the end of each calendar quarter to be divided 40/60 for community development projects and the maintenance and improvement of streets and roads. (Ord. 10-01-05-01)

3.17.150 REGULATIONS AUTHORIZED.

The City Council or City Treasurer is authorized to prescribe by departmental regulations the forms to be used and the methods and procedures to be followed by the revenue collector in collecting the taxes. This authorization does not authorize regulations of substance which impose any requirements upon buyers or sellers. (Ord 21-08-17-01)

3.17.180 PROTEST OF TAX.

A. A buyer who protests the payment of the tax levied under this chapter shall pay the tax and shall provide the seller and the revenue collector's director of administrative services with a written statement of protest within five working days of the sale. The written statement shall identify the sale, rental or service that is the subject of the tax protested, the amount of tax paid, the buyer's and seller's name, mailing address, and telephone number and the basis for the protest.

B. If the seller protests his liability for a final assessment under Subsection 3.17.070(c) or if the seller has any other cause of action, grievance or protest concerning the legality, collection or payment of the sales tax, he shall pay the tax under written protest setting forth the basis for the protest. No action for a refund may be maintained nor may a defense to nonpayment be maintained in a civil action unless the amount in dispute has been paid by the seller under written protest filed at or before the time of payment.

3.17.190 FORGIVENESS OF UNCOLLECTED TAXES, PENALTIES AND INTEREST.

A. The City Administrator, with the consent of the Mayor and council, may forgive the payment of uncollected sales taxes, interest and penalty thereon and penalties for failure to file owing by a seller to the city upon a determination by the City Administrator that such uncollected sales taxes have never been collected by a substantial portion of a clearly definable class of sellers or which have never been collected on a substantial portion of a clearly defined class or type of transaction or service.

B. The City Administrator may, upon recommendation of the Mayor and City Council, authorize forgiveness of uncollected sales taxes, interest and penalty thereon and penalties for failure to file, as part of the compromise and settlement of a disputed claim in an action for collection of such funds.

C. The City Administrator, with the consent of the Mayor and City Council, may onetime forgive the payment of uncollected sales taxes, interest, and penalty thereon and

penalties for failure to file owning by a seller to the city upon a determination by the city administrator that such uncollected sales taxes are the result of a family medical hardship. (Ord. 17-03-21-02)

3.17.200 APPEALS.

A. A seller aggrieved by the action of the revenue collector in fixing the amount of the tax or in imposing a penalty or interest shall appeal to the revenue collector's manager within forty-one calendar days from the date taxes are due and payable under this chapter. A seller who has a cause of action, grievance or protest concerning the legality, collection or payment of the sales tax shall appeal in this manner and within the same forty-one days. All right to an appeal shall be deemed waived if not timely requested as set forth in this subsection.

B. Contested taxes, penalties and interest that remain unpaid shall continue to accrue penalty and interest as provided by this title until paid. Contested taxes, penalties and interest that are paid and are found to be overpaid shall be refunded with interest at the rate of eight percent from the date of payment.

C. All appeals shall be filed in writing with the revenue collector's manager and shall contain all of the following information:
    1. Name, address, and telephone number of the aggrieved seller;
    2. A specific and detailed statement of the amount of tax, interest or penalty contests, the basis and grounds upon which the appeal is made, and all pertinent records, documents, or other evidence substantiating the grounds as stated;
    3. A statement of the relief sought; and
    4. A statement as to whether a hearing is requested.

D. Arguments or reasons for failure to timely file a return and remit taxes collected shall not be considered a valid basis or grounds for granting an appeal. The basis and grounds for granting any appeal are limited to:
    1. The identity of the seller is in error;
    2. The amount of the debt is erroneous due to a clerical error (and the nature and extent of the error is specified in the request for a hearing);
    3. The seller disputes the denial of exemption(s) for certain sales; or
    4. Taxes have been levied and forgiven in accordance with Section 3.17.190.

E. A request for appeal is filed on the date it is personally delivered, or if delivered to the revenue collector's manager by United States mail, the date of the United States Postal Service postmark stamped on the properly addressed cover in which the request is mailed. If the due date falls on a Saturday, Sunday, or a holiday, the due date is the next business day. A current mailing address must be provided to the revenue collector's manager with the request for appeal, and any change in mailing address after the request for appeal is filed must be reported to the revenue collector's manager.

F. Upon such filing of a written appeal, the revenue collector's manager shall immediately send a copy thereof to the City Administrator or administrator. The city may provide written information that may be considered in deciding the appeal.

G. Unless the appellant waives a hearing, the revenue collector's manager or person designated by the revenue collector's manager shall hold a hearing to determine whether a correction is warranted. The revenue collector's manager or designee shall decide the appeal based upon the pertinent records provided by the parties involved or discovered by any investigation ordered by the revenue collector's manager and, if a hearing is requested, any evidence presented at the hearing. If a hearing is requested, the appellant need not appear at the hearing. If the appellant fails to appear, the revenue collector's manager or designee may make a determination based upon the evidence received and any written materials submitted by the appellant. The determination need not make formal findings of fact or conclusions of law, but the written determination shall state the reasons for the decision and indicate the evidence relied upon. Such determination shall be issued no later than ten business days after the date of hearing if a hearing is held or ten days after the appeal is filed if the hearing is waived. Such determination shall be final.

H. Taxes, penalties, and interest declared to be due in the final determination shall be subject to normal collection action of the city. The amount due must be paid or if the decision of the revenue collector's manager is appealed, a bond to secure payment must be filed with the court in accordance with Alaska Rules of Court, Rules of Appellate Procedure.

I. Within thirty days after receipt of the final determination, a seller aggrieved by the decision may appeal to the Superior Court in the First Judicial District. The seller shall be given access to the revenue collector's file in the matter for preparation of the appeal. If after the appeal is heard it appears the tax was correct, the court shall confirm the tax. If incorrect, the court shall determine the amount of the tax and if the seller aggrieved is entitled to recover the tax or part of it, the court shall order the repayment. The city shall then pay the amount due within fourteen days after receipt of a certified copy of the judgment, unless the city requests a stay pending its own appeal.

3.17.210 CLERICAL ERRORS OR OMISSION, REFUND OF SALES TAX; PENALTY AND INTEREST.

A. The revenue collector's director of administrative services may correct manifest clerical errors or omissions at any time they are found and verified.
B. If, in payment of taxes legally imposed, a remittance by a seller through error exceeds the amount due, and the revenue collector, on audit of the account in question, is satisfied that this is the case, the city shall refund the excess to the seller with interest at eight percent from the date of payment. A claim for refund filed one year or more after the due date of the tax is forever barred. A copy of the refund audit and entitlement shall be given to the City Administrator.

3.17.220 Alaska uniform remote seller sales tax code adopted by reference.

The city adopts by reference the Alaska uniform remote seller sales tax code (uniform code) of the Alaska remote sellers sales tax commission, as the code currently exists, and as may hereafter be amended. In the event that there is any conflict between this chapter and the uniform code, the provisions of the uniform code will apply; in the event that there is an applicable provision in the uniform code that is not in this chapter, the city may provide that the uniform code provision shall apply to local sales, rentals, or services; further, provided, however, that in the event there is a conflict related to exemptions, this chapter will apply in lieu of the specific uniform code provision or definition. (Ordinance 20-07-21-01; adding § 13.17.220 in its entirety)

CHAPTER 3.18 - TRANSIENT OCCUPANCY TAX:

3.18.010 TITLE AND PURPOSE.

A. Title. This chapter shall be known as the "Transient occupancy Tax ordinance of the City of Thorne Bay, Alaska."

B. Purpose and Intent. It is the purpose and intent of the council that there be imposed on transient occupants of hotel rooms in the city a tax, the proceeds of which are to be paid as provided in Section 3.18.130. This ordinance shall be implemented on the 1st day of January following its passage.

3.18.020 DEFINITIONS.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. "Collected" means the time at which the rent is earned if the operator uses the accrual basis of accounting, or the time at which the rent is received if the operator uses the cash basis of accounting. The same basis of accounting normally used for keeping the books and records shall be used for reporting and remitting the tax levied by this chapter.

B. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and is held out as being used or available for such purpose to the public regardless of whether it is specifically referred to as a hotel, and shall include a bed and breakfast, lodge, cabin, guest room or similar facility. "Hotel" does not mean any hospital, convalescent home, sanitarium or home for aged people licensed as such by the state.

C. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

D. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal or the managing agent shall, however, be considered to be compliance by both.

E. **"Person"** means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any-other group or combination acting as a unit.

F. **"Rent"** means the consideration charged for the occupancy of space in a hotel as well as for such equipment as rollaway beds, cribs, television sets, etc., valued in money, whether to be received in money, credits, credit card charges, goods, labor, property and services of any kind or nature without any deduction therefrom whatsoever.

G. **"Rent package plan"** means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable and apportioned to rent for determination of the transient occupancy tax under Section 3.18.030 shall be the same charge made for rent when not a part of a package plan.

H. **"Transient"** means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of not more than sixty consecutive calendar days, counting portions of days as full days; provided, however, the day a transient check out shall not be included in determining the thirty-day period if the transient is not charged rent for that day. Any person who in fact exercises occupancy or in fact is entitled to occupancy for a period of more than sixty consecutive days shall be deemed not to have been a transient from the date of commencement of such consecutive period for days of occupancy or entitlement to occupancy if the transient possesses a legally written lease or rental agreement for a period of sixty or more consecutive days.

3.18.030 TAX IMPOSED.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of four percent, in addition to city sales tax, of rent charged by the operator for the privilege of said occupancy. If the bed rent is considered to be part of a package price, then it is up to the hotel to determine the value of their bed, which is not to be less than 1) the current rate of United States Government per diem, or 2) bed rent as advertised or collected separately in non-package transactions; whichever is greater. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time such transient ceases to occupy space in the hotel; provided, however, if the rent is paid in installments, a proportionate share of the tax shall be paid with each installment, and the remaining unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the revenue collector may require that such tax shall be paid by the transient directly to the revenue collector or may collect such tax directly from the operator.

3.18.040 EXEMPTIONS.

No tax shall be imposed where:

A. The rent is at the rate of three dollars a day or less. The exemption in this subsection applies only where the total rent charged for a room is three dollars a day or less, or where the accommodations rented are in a dormitory and the rent for each transient is three dollars a day or less;

B. Any person pays for lodging on a monthly basis with a legal signed lease or rental agreement, irrespective of the number of days in the month;

C. Any person who rents a private single-family dwelling unit, vacation cabin or like facility from any owner who rents the structure or facility incidental to his own use thereof and on a casual and isolated basis not done in the regular course of business;

D. The gross receipts are derived from rentals of hotel rooms, bed and breakfast or other transient occupancy to the United States government, the State of Alaska, or a municipality, when payment is made by such governmental organization directly to the provider by purchase order or by other means of direct payment. The revenue collector may require such verification of direct payment to the provider by the governmental organization as deemed necessary.

3.18.050 OPERATOR'S DUTIES.

Each operator shall collect the tax imposed by this chapter to the same extent and at the time as the rent and sales tax is collected from every transient. If the operator fails to collect the tax imposed by this chapter for any reason, the operator shall be liable for the tax jointly and severally with the transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. A duplicate of this receipt shall be kept by the operator in accordance with section 3.18.090. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax rent, or that, if added, any part will be refunded. Each operator shall account separately and maintain separate monthly summary totals, for both taxable and nontaxable rents and for taxes collected. Taxable rents are those defined in section 3.18.020.

3.18.060 REGISTRATION.

Within thirty days after the effective date of this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the revenue collector.

3.18.070 TAX TO BE PAID QUARTERLY.

The tax levied under this chapter shall be due and payable quarterly in conjunction with city sales tax. Each operator shall make and file with the revenue collector on forms prescribed and furnished by the revenue collector, a return, prepared under oath, setting forth the amount of all rents charged, whether exempt or not, and the amount of tax collected for transient occupancy and such other information as the revenue collector may require on such forms. The completed and executed return, together with remittance in full for the total amount of the tax due, shall be transmitted to the revenue collector on or before the last day of the calendar month following the close of each calendar quarter.

A. Each operator shall file a return even though no tax may be due. This return shall show why no tax is allegedly due, or, if the business has been sold or otherwise transferred, the person to whom it was transferred, the date it was transferred, and the address and telephone number of the person to whom it was transferred.

B. Each operator, upon cessation of business, shall, on or before the same day of the next month following cessation of business, or on the last day of the month if no corresponding day exists, make a return to the revenue collector on forms provided by him of the total rents charged and the amount of tax collected or due for transient occupancies, and shall, upon request, make his books and records available for audit. At the time the return is filed, the full amount of the tax collected or due shall be remitted to the revenue collector. Returns filed and taxes remitted and actually received by the revenue collector on or before the same day of the next month following the cessation of business, or on the last day of the month is no corresponding day exists, shall be deemed timely filed and remitted; otherwise, the taxes are delinquent and subject to the penalties imposed by Section 3.18.080.

C. Returns filed and taxes remitted by mail shall be deemed timely filed only if the envelope or similar container enclosing the returns and taxes is addressed to the revenue collector, has sufficient postage and bears a United States postmark prior to midnight on the last day for reporting and remitting without penalty; otherwise, the taxes are delinquent and subject to the penalties imposed by Section 3.18.080.

D. The revenue collector may establish shorter reporting periods for any operator if deemed necessary in order to ensure collection of the tax and may also require further and additional information in the return. All taxes collected by the operator pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the revenue collector.

E. Returns shall be accompanied by proof, satisfactory to the revenue collector, as to claimed exemptions, or exceptions from the tax herein imposed. The burden of establishing any tax exemption is upon the claimant. In the absence of such proof, the rentals or occupancies shall be deemed to have been taxable.

3.18.080 PENALTY AND INTEREST ON DELINQUENT TAXES.

A. Original Delinquency. In the event an operator fails or neglects to file a return when due, or fails to remit taxes collected by him, or which should have been collected by him, in a timely manner as required by this chapter, then such return and tax is delinquent, and the revenue collector shall add thereto penalties as follows:

IF PAYMENT MADE: ADDITIONAL PENALTY

1. Within 30 days after delinquency date 15% of tax
2. Within 60 days after delinquency date 20% of tax
3. More than 60 days after delinquency date 25% of tax

B. Interest. Interest on delinquent taxes shall accrue from the date of delinquency to the date of payment at the rate of one-half of one percent per month. All remedies available to the revenue collector to collect taxes, penalties, and interest plus collection costs, shall commence thirty days after the date of delinquency.

C. Audit Deficiency. If, upon audit, an operator is found to be deficient in his return or his remittance or both, the amount deficient shall be deemed a delinquency under subsection (a) of this section and the revenue collector shall immediately invoice the operator for the amount of the net deficiency, plus a penalty as provided in subsection (a) of this section computed from the date the amount should have been paid, plus accrued interest. Interest shall be deemed to have commenced to accrue at the rate provided in subsection (a) from the date such tax should have been paid.

3.18.085 OCCUPANCY TAX LIENS.

A. The occupancy tax, interest, and penalties imposed by this chapter, and the administrative costs under subsection (f) of this section, shall constitute a lien in favor of the city upon all of the real and personal property of every person making taxable occupancies subject to this chapter.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent under Section 3.18.080 and continues until the entire amount is satisfied.

C. If delinquent occupancy taxes, including interest and penalties, are not paid within ten days from the mailing of notice and demand for payment thereof, a notice of lien may be recorded in the office of the district recorder. Upon recordation, the occupancy tax lien has priority over all other liens except;

1. Liens for property taxes and special assessments;
2. Liens that were perfected before the recording of the occupancy tax lien for amounts actually advanced before the recording of the occupancy tax lien;
3. Mechanics, and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the occupancy tax lien.

D. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens in AS 09.45.170-09.45.220.

E. The remedy provided in this section is not exclusive and shall be in addition to all other remedies available to the revenue collector to collect the occupancy taxes, penalties and interest due under this chapter.
F. Fees for the administrative costs of filing on notices of liens, and releasing of liens shall be:
    1. Filing of notices of lien: twenty-five dollars plus recorder's office filing fee.
    2. Release of liens: twenty-five dollars plus recorder's office filing fee.
G. If administrative costs for the filing of notices of liens and releasing of liens are imposed and have been collected by the City of Thorne Bay on delinquent sales taxes, including penalties and interest, no additional administrative costs shall be collected under subsection (f) of this section.

3.18.090 DUTY TO KEEP BOOKS-INVESTIGATION.

A. Every operator shall keep and preserve full and complete records of all rentals or occupancies made by him, and such other books or accounts as may be necessary for the revenue collector to determine the amount of tax hereunder and the operator shall keep and preserve said records for a period of not less than two years in the city. All of said records shall be made available for inspection by the revenue collector, city administrator, and his or their designee upon request at any reasonable time.
B. For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax collected or which should have been collected by any person, the city administrator, or his designee may hold investigations and hearings concerning any matters covered by this chapter, and may examine any relevant books, papers, records, or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person. The city administrator or his designee shall have the power to administer the oaths and affirmations to such persons, and if any such person, being first duly sworn, refuses to answer any questions put to him by the administrator or his designee, the administrator may apply to the superior court for an order requiring the person to answer the questions. The city administrator may issue subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda. If any person refuses to obey-any such subpoena, the city administrator may apply to the superior court for an order requiring the person to comply therewith. The city administrator is authorized to make arrangements with the Ketchikan Gateway Borough, authorizing the borough to collect the taxes and conduct the investigations and hearings provided herein, and to exercise all the powers created in this chapter.
C. In the event the revenue collector is unable to ascertain the tax due to be remitted by an operator by reason of the failure of the operator to keep accurate books, allow inspection, failure to file a return, falsification of records, or for any other reason, the revenue collector may make an estimate of the tax due based upon all of the

information available. Notice of the estimate of taxes due and penalties and interest shall be furnished by certified mail to the operator and said amount of tax shall become final for the purposes of determining liability of the operator to the city upon the expiration of thirty days unless the operator supported by satisfactory earlier files and accurate return, supported by satisfactory records, indicating a lesser liability.

3.18.100 ACTIONS TO COLLECT.

Any tax required to be paid under the provisions of this chapter shall be deemed a debt owed jointly and severally by the transient and the operator and recoverable by the city in an action brought against the transient, or the operator, or against the transient and operator jointly. Any taxes collected by an operator pursuant to this chapter which have not been paid to the city, shall be deemed to be funds held in trust for the account of the city.

3.18.110 VIOLATIONS.

Any operator who fails to collect or remit all or any portion of the tax provided for in this chapter, or fails or ref uses to comply with the provisions of this chapter, or remits or rebates to a transient or other person whether directly or indirectly and by whatsoever means, all or any part of the tax levied under this chapter, or makes in any form of advertising, verbally or otherwise, any statement which implies that the operator is absorbing the tax, or paying the tax for the transient by an adjustment of prices of in any manner whatever, and any person who under the terms of this chapter, and any person who otherwise violates any provision of this chapter, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than thirty days, or both such fine and imprisonment. Each act of violation and every day upon which any such violation occurs shall constitute a separate offense.

3.18.120 SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid or unenforceable such shall not affect the validity of the remaining provisions of this chapter or any part thereof. The city council hereby declares it would have passed each section, subsection, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or unenforceable.

3.18.130 UTILIZATION OF REVENUES.

A. The tax revenue collected pursuant to this chapter shall be deposited into the transient occupancy tax fund which is created.

B. Moneys expended from the transient occupancy tax fund shall be allocated accordingly:
    1) 20% for the promotion of tourism in Thorne Bay
    2) 30% for the maintenance and improvement of Thorne Bay harbors
    3) 30% for EMS and fire related expenses
    4) 10% for the City of Thorne Bay general funding.
    5) 10% for community cleanup and park enhancement.

3.18.140 REVENUE COLLECTOR'S REGULATIONS.

The revenue collector may adopt reasonable rules, regulations, and forms to implement the provisions of this chapter.

3.18.150 SALE OF BUSINESS-FINAL RETURN-LIABILITY OF PURCHASER.

A. If any operator sells or otherwise transfers his business to another person, such seller or transferor shall make a final transient occupancy tax return within five days after the date of sale or other transfer of the business and the purchaser, transferee, successor, successors, or assigns, shall withhold a sufficient portion of the purchase money or other consideration to pay the amount of transient occupancy taxes, penalties and interest due and unpaid to the city until such time as the selling or transferring operator produces a receipt from the revenue collector showing that all taxes, penalties and interest have been paid or produces a tax clearance certificate from the revenue collector stating that no tax, penalty, or interest is due.

B. If the seller or transferor does not present a receipt or tax clearance certificate within thirty days after such successor commences to conduct business, the transferee shall deposit the withheld amount with the revenue collector pending settlement of the account of the seller or transferor.

C. Not later than fifteen days after receipt of a written request from the transferee for a tax clearance, the revenue collector shall either issue the certificate of mail notice to the transferee at the address stated in the request of the estimated amount of the tax and penalty that must be paid as a condition of issuing the certificate.

D. If the transferee of to the business fails to withhold a portion of the purchase price as herein required, such transferee shall be liable for the payment of the amount required to be withheld.

E. Not later than ten days prior to close or completion of any sale or transfer, the buyer or transferee and the seller or transferor shall send to the revenue collector, by registered first-class United States mail, postage prepaid, a copy of the notice referred to in AS 45.06.105 which statute is made a part of this chapter, and such notice shall be so sent regardless of whether such notice would have otherwise been required to have been

made and sent under the provisions of AS 45.06.101, et seq., Uniform Commercial Code-Bulk Transfers.

3.18.160 APPEAL.

An operator or other person aggrieved by a decision of the revenue collector, or the city administrator may appeal the said decision of the city council by filing with the city clerk a written notice of appeal setting forth in detail the facts upon which such appeal is based not later than fifteen days after the date of such decision. In the event no appeal is filed within the time and in the manner as provided herein, said decision shall become final and conclusive.

CHAPTER 3.20 CITY CHECKS

3.20.010 SIGNATURE-ISSUANCE APPROVAL.

All checks drawn on the checking account of the city shall be signed by two signatories. The approved signatories on the checking account of the city shall be the chief executive officer, the vice mayor, the city administrator, and the city treasurer. All checks prior to issuance shall be approved to be within budget allowances. (Ord. 93-27 § 3, 1993: prior code Ch. 29 § 3)

3.20.020 INSUFFICIENT FUNDS.

No city check may be written at any time when funds are insufficient. Willful violation of this provision and conviction shall result in a fine of not more than five hundred dollars. (Prior code Ch. 29 § 4)

3.20.030 MINIMUM CHECKING ACCOUNT BALANCE.

A minimum balance of two thousand dollars shall be maintained in the checking account of the city. (Ord. 93-27 § 4, 1993)

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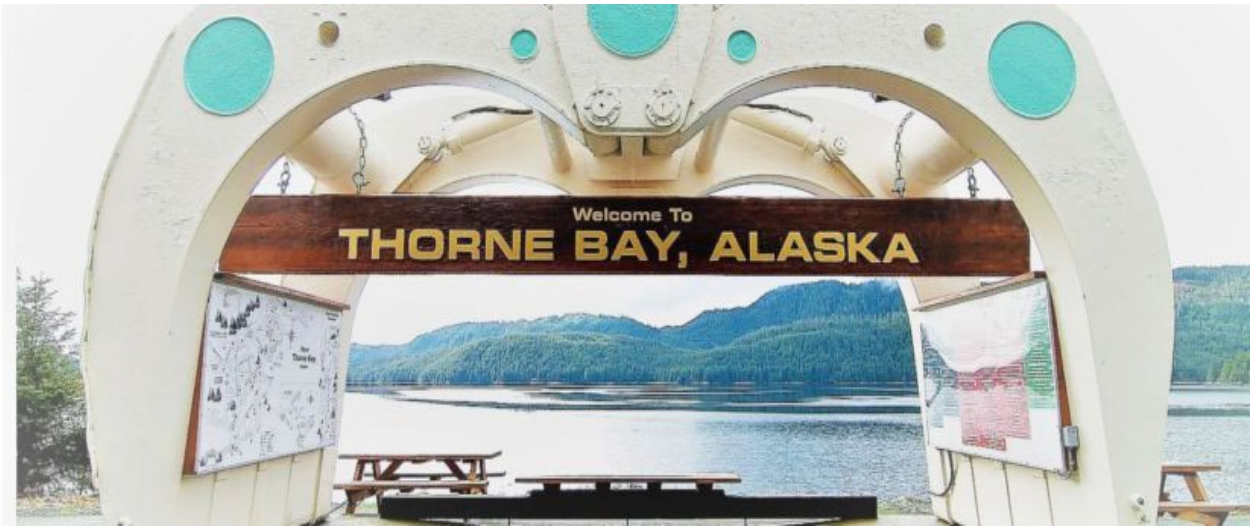

TITLE 4 - RESERVED

THORNE BAY MUNICIPAL CODE

THORNE BAY CITY COUNCIL

2021

TITLE 5 – BUSINESS TAXES & REGISTRATION

THORNE BAY MUNICIPAL CODE

THORNE BAY CITY COUNCIL

TITLE 5 - BUSINESS TAXES & REGISTRATION

Chapter 5.02 - BUSINESS LICENSES GENERALLY

5.02.010 DEFINITIONS..... 223
5.02.015 LICENSE REQUIRED..... 224
5.02.020 TYPE AND DURATION..... 224
5.02.025 APPLICATION – FEE..... 224
5.02.035 REVIEW OF APPLICATION..... 225
5.02.040 LICENSE – COMPLIANCE WITH OTHER PROVISIONS REQUIRED.... 225
5.02.045 INFORMATION ON BUSINESS LICENSE – CHANGES IN INFORMATION – DISPLAY OF LICENSE..... 225
5.02.055 TRANSFER OF BUSINESS..... 226
5.02.065 SUSPENSION OR REVOCATION OF BUSINESS LICENSE..... 226
5.02.075 REGULATIONS..... 227
5.02.085 VIOLATIONS – REMEDIES..... 227

5.02.010 DEFINITIONS.

When used in this chapter, the following words and phrases shall have the meanings set for in this section:

"Business" means a person engaging or offering to engage in a trade, a service, a profession, or an activity with the goal of receiving a financial benefit in exchange for the provision of services, goods, or other property.

"Licensee" means the person to whom a business license is issued pursuant to this chapter.

"Person" means an individual, partnership, limited liability company, joint venture, association, corporation, estate trust, business trust, or any group or combination acting as a unit.

"State of Alaska NAICS codes" means a list of codes used by the state of Alaska to classify business activity in the state with a number based on the North American Industry Classification System (NAICS). (Ordinance 21-08-03-01)

5.02.015 LICENSE REQUIRED.

No person may engage in business in the city without a current business license issued by the city under this chapter. A person engages in business in the city if the person maintains a permanent or temporary place of business within the city, provides services inside the city, or meets physical presence requirements under TBMC 3.17.020(D).

5.02.020 TYPE AND DURATION.

Business License.

A. A Business license is issued to a person that engages in business within the City Limits.

B. Business licenses are issued upon receipt of a completed business license registration application and applicable fee and are valid until the business is discontinued.

C. A business license will be issued for each line of business within the state of Alaska NAICS codes that is operated in the city.

D. A business license will be issued to each location a person operates inside the city.

5.02.025 APPLICATION – FEE.

A. An application for a business license is submitted to the city treasurer or designee on a form approved by the city treasurer or designee and shall be accompanied by the fee required under subsection (B) of this section. The application shall include the following information, and any additional information that the city treasurer or designee may reasonably require:

   1. The name of the applicant.
   2. Any other name under which the applicant will engage in business in the city.
   3. The applicant's mailing address, telephone number and email address.
   4. The street address and legal description of each location in the city where the applicant will engage in business.
   5. The Zoning of the location for which the business will be conducted.
   6. If the applicant is not a natural person, the applicant's type of organization, and the jurisdiction under whose laws the applicant was organized.

B. The fee for a business license is $25.00. The city shall waive the fee when:

   1. The business license is issued to a nonprofit organization registered under Section 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code.
   2. The business license is issued for an additional location of the same name operated in the city. (Ordinance 21-08-03-01)

5.02.035 REVIEW OF APPLICATION.

A. The city treasurer or designee shall issue a business license to an applicant upon finding that the application includes all required information, the applicant has paid any required application fee, and the applicant has satisfied the requirements of subsection (B) of this section.

B. The city treasurer or designee shall refer a business license application, other than an application to renew a business license, to the city planning official to determine whether any structure, or use of land or a structure, where the applicant will engage in business complies with the permitting and land use regulations in TBMC Title 17 and/or the terms and conditions of any rezoning, planning commission approval, or other permit approval granted under TBMC Title 17. The city planning official shall notify the applicant of any such violation. In response to the notice, the applicant shall either:

   1. Provide evidence satisfactory to the city planning official that the violation has been corrected; or
   2. Provide a plan to correct the violation satisfactory to the city planner, with security satisfactory to the city planning official to ensure performance of the plan. After the violation has been satisfied or a plan for correction of the violation has been accepted, the city planning official shall notify the city treasurer or designee. (Ordinance 21-08-03-01)

5.02.040 LICENSE – COMPLIANCE WITH OTHER PROVISIONS REQUIRED.

A person engaging in a business subject to licensing provisions of a regulatory nature must, in addition to filing the regular application required by this chapter, comply with any other or additional regulatory provisions before being entitled to a license.

5.02.045 INFORMATION ON BUSINESS LICENSE – CHANGES IN INFORMATION – DISPLAY OF LICENSE.

A. A licensee shall notify the city treasurer or designee promptly in writing of any change in the required information on the business license. There shall be no charge for the issuance of a new business license under this subsection.

B. The licensee shall display prominently the original business license at the licensee's business location in the city. If the licensee has no regular business location in the city, the licensee shall display the business license upon request.

5.02.055 TRANSFER OF BUSINESS.

A. A business license expires upon the effective date of a transfer of the business. Not later than 15 days after the effective date of the transfer, the licensee shall provide written notice to the city treasurer or designee of the transfer, including the name, address, form of organization and jurisdiction of organization of the transferee. The successor owner shall be required to file a new application for a city business license and pay applicable registration fee.

B. In subsection (A) of this section, the term "transfer" includes any of the following:
   1. A change in the form of ownership or organization of the business, such as from a sole proprietor to a partnership, limited liability company, corporation or the removal or addition of a partner;
   2. A change in voting control or in more than 50 percent of the ownership interest in a licensee that is a corporation, limited liability company or partnership;
   3. A sale of substantially all of the assets used in the business of the licensee; or
   4. The initiation of a lease, management agreement or other arrangement under which another person becomes entitled to the licensee's gross receipts from sales, rentals or services.

5.02.065 SUSPENSION OR REVOCATION OF BUSINESS LICENSE.

A. The city treasurer or designee may suspend or revoke a business license when they have determined that the licensee is delinquent in paying sales tax or is in violation of any requirements under TBMC Chapter 3.17, or the licensee has failed to comply with the requirements of this chapter.

B. The city treasurer or designee shall not suspend or revoke a business license without first providing notice and an opportunity for a hearing on the suspension or revocation under this subsection.
   1. At least 15 calendar days before suspending or revoking a business license, the city treasurer or designee shall mail notice of the suspension or revocation by certified mail, return receipt requested, to the last-known address of the licensee.
   2. The notice of proposed suspension or revocation shall identify the licensee, state any other name under which the licensee engages in business in the city, and describe the sales tax payment delinquency or other cause for the suspension or revocation, state that unless a hearing is requested, the city treasurer or designee will suspend or revoke the licensee's business license under this section upon the expiration of 15 calendar days from the date of the notice, state that the right to a hearing will be waived if not timely requested, and the contact information of the city treasurer or designee or other city representative to be contacted concerning the proposed suspension or revocation.

3. The licensee may request a hearing on the proposed suspension or revocation in writing to the city treasurer or designee not more than 15 calendar days after the date of the notice of proposed suspension or revocation.

C. A hearing requested under subsection (B) of this section shall be conducted within 15 days of receipt of the request before the mayor or the mayor's designee, who may be a city employee. After the hearing, the person who conducted the hearing shall serve the decision on the licensee by delivering the notice to the licensee's place of business, or by mailing the notice by certified mail, return receipt requested, to the licensee's last known mailing address. The decision to suspend or revoke a business license takes effect immediately upon issuance of the notice.

D. A decision under subsection (C) of this section to suspend or revoke a business license may be appealed to the superior court as provided in the Alaska Rules of Appellate Procedure.

5.02.075 REGULATIONS.

The city treasurer or designee may implement regulations and forms to interpret or clarify the provisions of this chapter. (Ordinance 21-08-03-01)

5.02.085 VIOLATIONS – REMEDIES.

A. Remedies and penalties for violations of this chapter are as provided in TBMC Chapter 1.16.

B. A person who is convicted of violating a provision of this subsection shall be subject to the fine established in 1.16.035, or 1.16.030 if no fine is listed.

C. Each act or omission in violation of this chapter, and each day in which the act or omission occurs, is a separate violation of this chapter.

D. All remedies for violations of this chapter are cumulative and are in addition to any others existing at law or in equity. (Ordinance 21-08-03-01)

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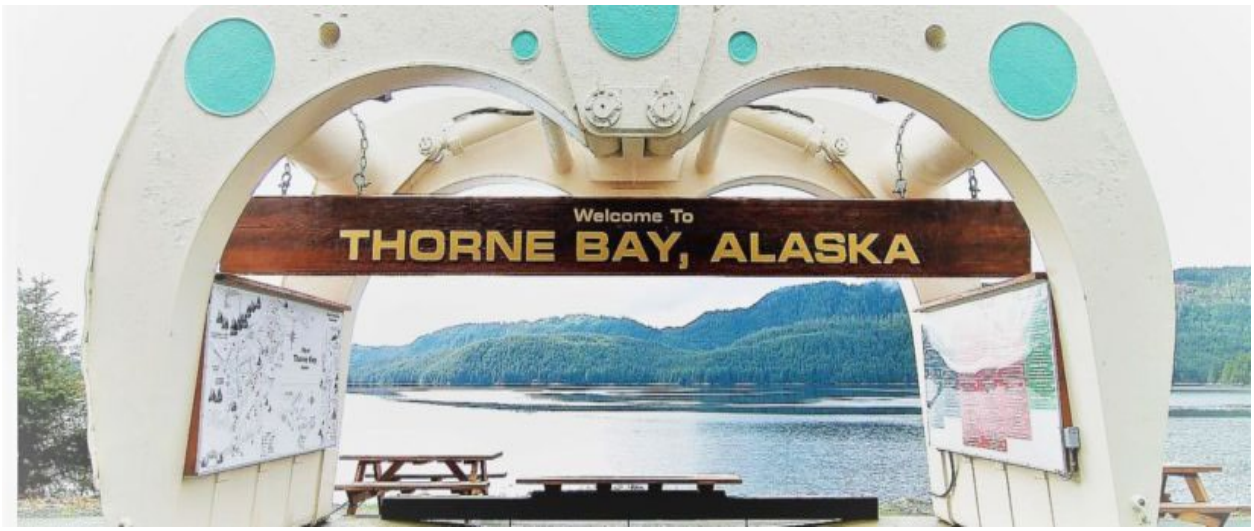

TITLE 6 – ANIMALS

THORNE BAY MUNICIPAL CODE

THORNE BAY CITY COUNCIL

Codified January 2018

TITLE 6 – ANIMALS

TABLE OF CONTENTS

CHAPTER 6.04 - ANIMALS GENERALLY 230

6.04.010 DEFINITIONS. 230
6.04.020 LICENSING. 231
6.04.030 LICENSE--ISSUANCE--REVOCATION. 233
6.04.040 ANIMAL CONTROL OFFICER. 233
6.04.050 ANIMALS RUNNING AT LARGE. 233
6.04.055 CONTROL OF DOGS. 234
6.04.060 IMPOUNDMENT. 234
6.04.070 ANIMAL CARE. 235
6.04.080 KEEPING WILD ANIMALS. 235
6.04.090 ANIMAL WASTE. 236
6.04.100 ENFORCEMENT. 236
6.04.110 LIABILITY. 236
6.04.120 VIOLATION-PENALTIES. 236

CHAPTER 6.05 - DANGEROUS ANIMALS SECTIONS: 237

6.05.010 DEFINITIONS. 237
6.05.020 CLASSIFICATION OF ANIMALS, APPEALS, RESTRICTIONS PENDING APPEALS. 237
6.05.030 ON-PREMISES CONFINEMENT. 238
6.05.040 OFF-PREMISES RESTRAINT. 239
6.05.050 IMPOUNDMENT OF DANGEROUS ANIMALS. 239
6.05.060 CAPTURE METHODS. 239
6.05.070 EMERGENCY SITUATIONS. 240
6.05.080 BITING DOGS. 240
6.05.090 NOTIFICATION OF CHANGE OF STATUS. 241
6.05.100 SIGNS. 241
6.05.110 SPAY OR NEUTER REQUIREMENT FOR POTENTIALLY DANGEROUS ANIMALS. 242
6.05.120 DESTRUCTION OF DANGEROUS ANIMALS. 242
6.05.130 VIOLATIONS AND PENALTIES. 242

CHAPTER 6.04 - ANIMALS GENERALLY

6.04.010 DEFINITIONS.

As used in this chapter the following terms are defined below:

"Animal" means every nonhuman species of animal, both domestic and wild but does not include fish.

"Animal-at-large" means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

"Animal control officer" means any person designated by the state of Alaska as a law enforcement officer or by the chief executive officer of the city as an animal control officer.

"Animal shelter" means any facility operated by a municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

"Dangerous animal" means any animal which has ever bitten or attacked a human being.

"Domestic animal" means every kind of animal that is domesticated (not wildlife), including but not limited to livestock of all kinds, dogs(including wolf if dog is hybrid), cats, monkeys, birds and reptiles.

"Household" means all the persons who live in one dwelling, float house, boat, motorhome, trailer, yurt, tent or similar structure.

"Livestock" means every kind of domestic animal that is four (4) footed and ordinarily larger than a dog; and includes but is not limited to cattle, horses, swine, goats, sheep and llamas. It also included poultry such as chickens, ducks, turkeys, ostriches, emus and similar fowl.

"Pet" means any animal kept for pleasure rather than utility and that is ordinarily dependent upon people for food and shelter.

"Public nuisance" means any animal or animals that unreasonably annoy humans, or substantially interfere with the rights of any citizens to enjoyment of life or property.

"Public nuisance animal" means and includes, but is not limited to, any animal that:

1) Is repeatedly found at large;
2) Damages the property of anyone other than its owner;
3) Chases vehicles;
4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, crowing or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in proximity to the premises where the animal is kept or harbored;

5) Causes fouling of the air by odor and thereby creates unreasonable discomfort to neighbors or others in proximity to the premises where the animal is kept or harbored;
6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

"Public Place" means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, harbor facilities, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

"Restraint" means under the control of a responsible person, secured by a leash, lead, cage, restrained within the real property of its owner, , or is obedient to and under the direct control of a person's commands.

"Veterinary care" means care administered to an animal by a veterinarian licensed in the state of Alaska.

"Wild animal" means any living member of the animal kingdom, including those born and/or raised in captivity, except domestic animals.

"Working Animal" means any animal raised and kept for the purpose of providing a service, such as herding, sled pulling, search and rescue, handicap assistance or law enforcement. (Ord. 93-12 §4(part), 1993: Ord. 87-07 §1, 1987)(Ord. 13-11-19-01)

6.04.020 LICENSING.

A. Any person owning, keeping, harboring or having custody of any dog over six months of age within this municipality must obtain a license as therein provided.

B. Written application for licenses, which shall include name and address of applicant, description of the animal, and the appropriate fee shall be made to the city clerk or designee. Persons applying for a license shall be required to show proof of rabies vaccination before a license is issued.

C. Application for a license must be made within thirty days after obtaining, or bringing into the city, an animal over six months of age.

D. Owners of impounded animals, regardless of Residential status of the owner, shall be required to license the animal with the city before regaining custody of the animal.

E. Licenses shall be required for all animals, except those exempted, even if the animal is kenneled on the owner's property.

F. The licensing period shall begin when the licensing application is received by the City and will be renewed annually, or January 1st. License fees shall be paid in full no matter what portion of the year purchased.

G. Any persons who fail to obtain a license as required within the timeframe specified in this section will be in violations of this chapter and shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030.

H. The following license fees will apply:

1. Un-neutered male dog, twenty dollars;
2. Un-spayed female dog, twenty dollars;
3. Neutered male dog, ten dollars;
4. Spayed female dog, ten dollars;

H. Upon acceptance of the license application and payment of all license fees and late fees, the city clerk or designee shall issue a durable license tag stamped with an identifying number.

I. A duplicate license may be obtained upon payment of a five-dollar replacement fee.

J. The city clerk or designee shall maintain a record of the identifying numbers of all tags issued.

K. Licensed animals must wear identification tags at all times when off the premises of the owner.

L. No person may use any license for any animal other than the animal for which it was issued.

M. Whenever the ownership of an animal changes, the new owner shall notify the city clerk's office, whereupon the records for the animal will be changed. Failure to notify the city clerk or designee of change of ownership is a violation of this section and shall be punishable by the fine established in 1.16.035.

N. Persons or households owning, keeping or harboring more than three animals requiring a license under this chapter are required to obtain a kennel permit. The kennel permit shall be applied for through the city special permit process and may or may not be issued by the city council pending the outcome of permitting process. The fee for kennel permit shall be fifty dollars plus the appropriate license fee for each animal kenneled. (Ord. 18-01-02-01; Prior Ord. 04-06-17-02 §4, 2004; Ord. 93-12 §4(part), 1993: Ord. 87-07 §2, 1987)

6.04.030 LICENSE--ISSUANCE--REVOCATION.

A. The city may revoke any license if the person holding the license refuses or fails to comply with this title, the regulations and policies approved by the city council, or any law governing the protection and keeping of animals.

B. Any person whose license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored. No part of the license fee shall be refunded.

C. If the applicant has withheld or falsified any information on the application, the city clerk or designee shall refuse to issue a license. (Ord. 93-12 §4(part), 1993: Ord. 87-07 §3, 1987)

6.04.040 ANIMAL CONTROL OFFICER.

A. The Village Public Safety Officer (VPSO) shall be the animal control officer and will control the municipal animal shelters and is responsible for administering the provisions of this chapter.

B. Under this chapter the chief executive officer shall be given the authority to appoint an animal control officer who has charge of all municipal animal shelters and is responsible for administering the provisions of this chapter.

C. As may be necessary, the chief executive officer may delegate authority to carry out the provisions in this chapter to the City Administrator or another municipal employee.

D. It is the duty of the animal control officer to keep or cause to be kept accurate and detailed records of the licensing, impoundment and disposition of all animals coming into his custody. All records will become permanent records of the city.

E. It is the duty of the animal control officer to respond to animal complaints lodged by citizens. All animal complaints lodged by citizens shall be confidential records.

(Ordinance 18-01-02-01; Prior Ord. 93-12 §4(part), 1993: Ord. 87-07 §4, 1987)

6.04.050 ANIMALS RUNNING AT LARGE.

A. It is unlawful for the owner of any domestic animal to allow the animal to run at large in the city.

B. It is unlawful for the owner of any livestock to allow such animal to be pastured or herded, or staked or tied for the purpose of grazing, on any public space belonging to or under the control of the city without the written consent of the city administrator or his designee.

C. It is unlawful for the owner of any livestock to allow such animal to be tied, staked, pastured, led, ridden or turned at large upon any private property within the city, without the consent of the owner of such private property.

D. It is unlawful for any unauthorized person who is not the owner or person in charge of an animal to intentionally untie or otherwise release a tied or confined animal, without the permission of the animal's owner, so as to allow the animal to run at large. If an un-emancipated minor performs this prohibited act, the minor's parents or guardian shall be liable for payments of the civil penalties. If any destruction to property results from the animal's running at large, the minor's parents or guardian may also be held liable to the property owner under state law (AS 34.50.020)

6.04.055 CONTROL OF DOGS.

A. It is unlawful for the owner or keeper of any dog to:
   1. Run at large within the city or harbor facility, at any time, unless otherwise permitted.
   2. Allow dog on public school grounds during school hours
   3. Permit a dog in public parks without a leash
   4. Allow dog into location with food unless certified service dog
   5. Keep a dog creating disturbance after 3 complaints in 6 months;
   6. Fail to confine female dog in heat

B. An owner or keeper of any dog may train or exercise a dog on the City Ball Field and at the Sort Yard, or City Boat Ramp, when the premises are not being used for other events, and the dog is under the direct control of a person's commands. (Ord. 18-01-02-01)

6.04.060 IMPOUNDMENT.

A. Any domestic animal found running at large or otherwise in violation of this chapter shall be subject to immediate impoundment by the city's designated animal control officer.

B. The animal control officer shall, immediately upon impounding any domestic animal, make a record of the date and time of the impoundment and the identity of the animal and the animal's owner, to the extent they can be determined by reasonable effort.

C. Impounded animals not claimed by the owner shall be kept for not less than five days.

D. An owner attempting to reclaim an impounded animal shall pay any room and board fees incurred by the impounded animal plus the following fees to the city clerk before being allowed to regain custody of the animal:
   1. Thirty-five ($35.00) dollar fee for the first impoundment in a twelve-month period.
   2. Fifty ($50.00) dollar fee for the second impoundment in a twelve-month period.

3. One hundred ($100.00) dollar fee for the third impoundment in a twelve-month period.

E. The license for any animal impounded four times within any calendar year shall be revoked and the animal, at the discretion of the animal control officer, may for a fee be made available for adoption in suitable home or humanely euthanized.

F. Any animal not reclaimed by its owner within five working days shall for a fee be made available for adoption in a suitable home or humanely euthanized.

G. In addition to, or in lieu of impounding an animal found at large, the animal control officer may issue to the known owner of such animal a citation for violation of 6.04.050. (Ordinance 18-01-02-01; Prior Ord. 99-01 § 3, 1999; Ord. 93-12 § 4(part), 1993: Ord. 87-07 § 6, 1987)

6.04.070 ANIMAL CARE.

A. No person shall fail to provide all animals in their possession with; human care and treatment, or proper and proficient care including, but not limited to; sufficient wholesome and nutritious food, water in sufficient quantities, ventilated shelter space providing protection from the weather, or veterinary care when needed to prevent suffering,

B. Animal abuse prohibited. No person shall abuse an animal in anyway causing harm or torment,

C. Animal abandonment is prohibited.

D. No person shall give away any live animal as a prize;

E. No person shall fail to stop and renter assistance after striking a domestic animal; In the event the owner or caretaker cannot be ascertained and located, such operator shall at once report the accident to the animal control officer, law enforcement officer or city clerk.

F. No person shall expose domestic animals to known poisonous substances,

G. At the request of the animal owner, the animal control officer will humanely euthanize an animal for the fee of twenty dollars. (Ordinance 18-01-02-01; Prior Ord. 93-12 § 4(part), 1993: Ord. 87-07 § 7, 1987)

6.04.080 KEEPING WILD ANIMALS.

A. No person shall keep or permit to be kept any wild animal as a pet.

B. The animal control officer shall have the power to release or order the release of any wild animal that is deemed capable of survival. (Ord. 93-12 § 4(part)1993 Ord. 87-07§8, 1987)

6.04.090 ANIMAL WASTE.

The owner of every domestic animal shall be responsible for the removal of any excreta deposited by his/her animal(s) on public property, harbor facilities, parks, recreation areas, or private property other than their own. (Ordinance. 93-12 § 4(part),1993 Ord. 87-07§9, 1987)

6.04.100 ENFORCEMENT.

The provisions of this chapter shall be enforced by those persons and/or agencies designated by state or municipal authority. It shall be a violation of this chapter to interfere with any animal control officer in the performance of their duties. (Ordinance 18-01-02-01; Prior Ord. 93-12 § 4(part), 1993: Ord. 87-07 § 10, 1987)

6.04.110 LIABILITY.

The city shall not be held liable for any damages to persons or property resulting from administration of the provisions of this chapter. (Ordinance 93-12 § 4(part), 1993: Ord. 87-07 § 12, 1987)

6.04.120 VIOLATION-PENALTIES.

A. Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030

B. If a violation continues, each day's violation shall be deemed as a separate violation.

C. If any person is found guilty by a court or pleads no contest to a charge of violating 6.04.070, person's permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued. (Ordinance 18-01-02-01; prior Ord. 93-12 § 4(part), 1993: Ord. 88-14 § 4, 1988; Ord. 88-06 § 4, 1988: Ord. 87-07 § 11, 1987)

CHAPTER 6.05 - DANGEROUS ANIMALS

6.05.010 DEFINITIONS.

A. For purposes of this chapter, a "potentially dangerous animal" is any animal that:
   1. Without provocation, threatens to attack, or bite to cause physical injury to, a human being or domestic animal;
   2. Without provocation, chases or approaches a person upon the streets, highways, sidewalks docks or other areas open to the public in a menacing fashion;
   3. Has a known propensity, tendency or disposition to attack without provocation, or cause physical injury or otherwise threaten the safety of human beings or domestic animals; or
   4. Is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting.

B. For purposes of this chapter, a "dangerous animal" is any animal that:
   1. Has inflicted physical injury on a human being or another animal without provocation on public or private property;
   2. Has, while off the premises of its owner or responsible person, attacked a human being or domestic animal without provocation; or
   3. Has been previously classified as potentially dangerous and is found in violation of the provisions of this chapter, or whose owner or person responsible for that animal has, in relation to that animal violated any provisions of this chapter.
   4. No animal shall be classified as potentially dangerous or dangerous when:
      i. Acting to defend an attack upon a human being by a person or other animal;
      ii. Owned by any police department or other law enforcement agency and which is used in the performance of law enforcement work;
      iii. Acting against a trespasser who had illegally entered any residence; or
      iv. Acting against a trespasser who had illegally entered upon or into any fenced or enclosed business premises, when those premises have been conspicuously posted with signs warning of a potentially dangerous animal on the premises.

C. "Physical injury" means physical pain or an impairment of physical condition. (Ord. 93-12 § 5(part), 1993)

6.05.020 CLASSIFICATION OF ANIMALS, APPEALS, RESTRICTIONS PENDING APPEALS.

A. The animal control officer shall have the sole authority to determine, based on probable cause, that an animal is potentially dangerous.

B. Written notice of an animal's classification under subsection A of this section, shall be served on the owner of the animal or responsible person at that owner's or responsible person's last known address. The notice shall describe the animal, state the grounds for its classification, and state the restrictions applicable to such animal by reason of its

classification. The notice shall also state that, if a written request for a hearing is filed with the animal control officer within ten days after completion of service of the notice, a hearing will be conducted to review the classification of the animal. The right to a hearing shall be deemed waived if not timely requested as set forth in this subsection.

C. The notice referred to in subsection B of this section shall be given either by personal delivery to the person to be notified or by certified mail, return receipt requested, addressed to the person at the person's last known address. Notice by personal delivery shall be complete upon delivery and notice by mail shall be deemed completed upon return of the receipt or upon return of the notice as undeliverable, refused or unclaimed.

D. Any hearing held under this section shall be heard by the chief executive officer within fourteen days of receipt of request for hearing. The hearing shall be informal, and technical rules of evidence shall not apply. The classification shall be determined based upon the preponderance of the evidence. The hearing officer shall not be required to file a full opinion or make formal findings of fact or conclusions of law, but the hearing officer must state the reasons for the determination, and indicate the evidence relied upon such determination shall be made no later than forty-eight hours after the close of the hearing. The proceedings at the hearing shall be recorded.

E. When an animal has been classified as dangerous, the hearing officer shall first determine if that classification is proper. If the hearing officer determines that the animal was improperly classified as dangerous, the hearing officer shall then determine if the animal is potentially dangerous. Should the hearing officer determine that the animal is potentially dangerous, the owner or person responsible shall comply with the requirements of this chapter applicable to potentially dangerous animals.

F. During the pendency of any hearing and any appeal therefrom on the classification of a potentially dangerous animal, the animal control officer may require that the animal be kept securely confined on the premises of the owner or responsible person, or other location acceptable to the animal control officer.

G. During the pendency of any hearing and any appeal there from on the classification of an animal as dangerous, the animal shall be quarantined at the animal shelter at the owner's or responsible person's cost.

H. Should the hearing officer determine that the animal is neither dangerous nor potentially dangerous, no costs shall be charged for quarantine of the animal during pendency of the hearing. (Ord. 93-12 §5(part), 1993)

6.05.030 ON-PREMISES CONFINEMENT.

While on the owner's or responsible person's property, a potentially dangerous animal must immediately be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and so that the animal cannot reach postmen, delivery persons and others who may have occasion for lawful entry upon the

owner's premises in the course of their work or with the owner's permission. The structure must be designed to prevent the animal from escaping by climbing, burrowing or otherwise. The potentially dangerous animal must be securely confined indoors at all times until such enclosure is available. Such enclosure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition. (Ord. 04-09-07-01 §4(part), 2004; Ord. 93-12 §5(part), 1993)

6.05.040 OFF-PREMISES RESTRAINT.

A potentially dangerous animal may be off the owner's or responsible person's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length. The leash and animal shall be under the actual physical control of a person suitable to control the animal at all times. Such animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. The muzzle must be made in a manner that will not cause injury to the animal or interfere with the animal's vision or respiration but must prevent the animal from biting any person or animal. (Ord. 93-12 §5(part), 1993)

6.05.050 IMPOUNDMENT OF DANGEROUS ANIMALS.

The city, by its properly constituted officers, shall impound any dangerous animal when the animal is:

A. Found to be at large or harbored under circumstances constituting a violation of this chapter;
B. Damaging property of a person other than the owner of the animal, except in defense of the property of its owner or members of its owner's household;
C. Causing bodily harm to any person or animal; or
D. Acting in such manner as to cause reasonable apprehension of bodily harm by persons or animals not within or upon the premises of the dangerous animal's owner.
    1. When an animal believed to be dangerous has been impounded, the animal control officer shall give written notice to the animal's owner (see Section 6.05.020(B). The animal control officer shall, if timely requested by the owner, hold a hearing. The animal control officer shall determine whether the animal is dangerous, as defined by Section 6.05.010 of this chapter. If the animal is determined not to be dangerous, it shall be released to its owner. If the animal is determined to be dangerous, it may be killed by any humane method.(Ord. 04-09-07-01 §4(part), 2004)

6.05.060 CAPTURE METHODS.

The use of tranquilizer guns and serum is an approved, humane method for the capture of dangerous animals. (Ord. 04-09-07-01 §4(part), 2004)

6.05.070 EMERGENCY SITUATIONS.

A. If the animal control officer has probable cause to believe that any person is in imminent danger of bodily harm because of a dangerous animal, such animal may be slain by the animal control officer.

B. If any person is confronted with a situation where a dangerous animal is about to attack him, a member of his family or any other person, that person may take such protective measures as may be reasonably necessary to prevent bodily harm to any person, including slaying the animal pursuant to AS 03.55.010 and 02.55.020. Such events shall immediately be reported to law enforcement Officer.

C. An officer in hot pursuit of an animal known to be or reasonably suspected of being dangerous to persons other than wrongful trespassers upon his owner's premises, may enter the owner's premises and demand possession of such animal. If, after such request, the owner or keeper of the animal refuses to deliver the animal to the animal control officer, and the officer cannot with reasonable safety catch the animal, he may cause the animal to be killed pursuant to AS 03.55.010 and 03.55.020; provided, however, such officer shall not enter the owner's premises without a valid warrant. (Ord. 04-09-07-01 §4(part), 2004)

6.05.080 BITING DOGS.

A. Any dog which has once (at any time in the dog's history) engaged in attacking, fighting with another domesticated pet/animal outside of its household, kills another animal, or chases, runs, or stalks wildlife, or bites a human maybe declared to be a nuisance, and shall not be kept within the city. If such dog is found within the city, it shall be impounded and disposed of as an unredeemed dog, and the owner shall have no right to redeem such dog. The method of disposal shall be the same as that in Section 6.05.050(B), for dogs impounded over three times. (For purposes of this subsection, the dog shall be considered outside of its household if the dog exists or leaves its owner’s home, household, or premises, under Section 6, 04.050 animals running at large).

B. Upon taking possession of a dog known to have bitten a person or displayed symptoms of rabies, any law enforcement officer or authorized city employee shall forthwith convey the dog to the nearest veterinarian or impound the dog in a supervised area, where the dog shall be securely chained or confined for a period of at least fifteen days. When the dog is delivered to a veterinarian or impounded, the city shall give notice to the dog’s owner concerning the dog’s confinement, including the name and location of the veterinarian. Upon receipt of such dog, the veterinarian shall submit to the law enforcement Officer a certificate stating that such dog either shows no symptoms or rabies or does show symptoms of rabies. At the expiration of fifteen days of

confinement and upon release of such dog, the veterinarian shall submit to the law enforcement Officer a second certificate stating that the dog does not have rabies and has been released. The cost of transporting the dog to a veterinarian and maintaining of the dog in the veterinarian's care shall be borne by the dog's owner, except where the owner cannot be ascertained, and then the city shall pay for such observation and care.

C. It is unlawful for the owner/keeper of any dog, when notified that such dog has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such dog or permit such dog to be taken beyond the limits of the city except to a veterinarian. It shall be the duty of the dog's owner, upon receiving notice of such biting event, to immediately place such dog with a duly licensed veterinarian where such animal shall be confined for a period of at least fifteen days, or to deliver such animal to any law enforcement officer for such placement. The cost of maintaining the dog in the veterinarian's care shall be borne by the dog's owner. Upon authorization of a licensed veterinarian, with the consent of the law enforcement officer, such dog may be released to the custody of its owner upon the owner's undertaking to keep the same securely chained and confined to the owner's premises and segregated from any other animals during such observation period. The city may require the dog's owner to provide a bond, in value up to $500.00, to insure the dog's confinement to the owner's premises during the entire observation period.

D. Any dog which has been determined by a veterinarian to have rabies shall be destroyed by any humane method. (Ord. 04-09-07-01 §4(part), 2004)

6.05.090 NOTIFICATION OF CHANGE OF STATUS.

The owner or responsible person shall immediately notify the animal control officer if a potentially dangerous animal is loose, unconfined, has attacked another animal, or a human being, or has died, been sold, been given away, or is otherwise no longer in the possession of the owner or responsible person. If the animal has been given away, the owner or responsible person shall provide the animal control officer with the name, address and telephone number of the new owner or responsible person, who, if located within the city limits, shall comply with the requirements previously applied to such animal and the requirements of this chapter. (Ord. 04-09-07-01 §4(part), 2004; Ord. 93-12 §5(part), 1993)

6.05.100 SIGNS.

The owner or responsible person shall display a sign or signs in such form as required by the city on their premises warning that there is a potentially dangerous animal on the premises. Such a sign or signs shall be visible and capable of being read from any public right-of-way abutting the premises. Such a sign shall also be posted on the enclosure for the potentially dangerous animal. (Ord. 04-09-07-01 §4(part), 2004; Ord. 93-12 §5(part), 1993)

6.05.110 SPAY OR NEUTER REQUIREMENT FOR POTENTIALLY DANGEROUS ANIMALS.

Within thirty calendar days after its classification as a potentially dangerous animal, the owner or person responsible for a potentially dangerous animal shall have the animal spayed or neutered and present proof of that fact to the animal control officer. (Ord. 04-09-07-01 §4(part), 2004; Ord. 93-12 §5(part), 1993)

6.05.120 DESTRUCTION OF DANGEROUS ANIMALS.

Any animal that is classified as dangerous shall be humanely euthanized after being quarantined for such period as provided by law. (Ord. 04-09-07-01 §4(part), 2004; Ord. 93-12 §5(part), 1993)

6.05.130 VIOLATIONS AND PENALTIES.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule. (Ordinance 18-01-02-01)

2023

TITLE 7 - RESERVED

THORNE BAY MUNICIPAL CODE

THORNE BAY CITY COUNCIL

2023

TITLE 8 - HEALTH & SAFETY

THORNE BAY MUNICIPAL CODE

THORNE BAY CITY COUNCIL

Codified January 2018

TITLE 8 - HEALTH AND SAFETY

TABLE OF CONTENTS:

CHAPTER 8.04 - 246

8.04.010 FINDINGS. 246

8.04.020 PURPOSE. 246

8.04.030 SCOPE OF AUTHORITY. 246

8.04.040 DEFINITIONS. 246

8.04.050 PROHIBITIONS-UNLAWFUL ACTS. 247

8.04.060 EXCEPTIONS. 248

8.04.070 PUBLIC EXHIBITIONS-PERMIT REQUIRED APPLICATION. 249

8.04.080 PUBLIC EXHIBITIONS-PERMIT APPLICATION FILING. 250

8.04.090 VIOLATION-PENALTIES. 250

CHAPTER 8.12 - PUBLIC HEALTH CLINIC – SECTIONS: 251

8.12.010 Established. 251

8.12.020 Health clinic staff. 251

8.12.030 Qualifications-Responsibilities. 251

8.12.040 Clinic administrator. 252

8.12.050 Health and safety council representative. 252

8.12.060 Establishment of fees. 253

8.12.070 Clinic staff-Conduct. 253

CHAPTER 8.24 - DEPARTMENT OF EMERGENCY MANAGEMENT 254

8.24.010 Department established. 254

8.24.020 Purpose. 254

8.24.030 Emergency response plan. 254

8.24.040 No governmental or private liability. 254

CHAPTER 8.04 – HEALTH AND SAFETY

8.04.010 FINDINGS.

The city has found that the wide- spread and uncontrolled sale and use of fireworks causes substantial harm to persons and property. Such harm poses a serious threat to the health, safety and general welfare of the community. (Ord. 87-12 § 1, 1987)

8.04.020 PURPOSE.

The purpose of this chapter is to eliminate the harm to health and property within the city and is designed to safeguard the health, safety and welfare of the citizens and protect property. (Ord. 87-12 § 2, 1987)

8.04.030 SCOPE OF AUTHORITY.

Unless exempted by pro- visions contained herein, the provisions of this chapter shall apply to all persons within the city. (Ord. 87-12 § 3, 1987)

8.04.040 DEFINITIONS.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

A. "City" means the city of Thorne Bay, Alaska.

B. "Fire chief" means the fire chief of the city of Thorne Bay, Alaska.

C. "Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which any such explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, lady fingers, torpedoes, skyrockets, Roman candles, Day-Glo bombs, sparklers, or other device containing any such explosive substance. "Fireworks" does not include model rockets and model rocket engines which are designed, sold, and used for the purpose of propelling recoverable aero models, when actually used for that purpose and use under the supervision of the science instructor or other competent adult and when the place and time of firing the skyrockets or missiles has been approved by the fire chief. "Fireworks" does not

include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used and such toy paper or plastic caps are manufactured as provided therein except that no toy paper or plastic cap shall contain more than twenty-five hundredths of a grain of explosive composition per cap. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. The sale and use of these toy paper or plastic caps shall be permitted at all times. Nothing in this section shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or naval forces of the United States or of this state, or to peace officers. Nothing in this section shall be construed to as forbidding the sale and use of blank cartridges for ceremonial, theatrical or athletic event.

D. "Person" means any individual, firm, organization, partnership, unincorporated association or corporation.

E. "Sell" or "display" means selling, offering to sell, exhibiting or possessing with intent to give away, sell or offer to sell within the city.

F. "Use" means purchasing, possessing, setting off or otherwise causing to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or to discharge them or throw them from land, air or highway into any area of the city. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This provision also means and includes casting, throwing, lighting or firing any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other fireworks or combustible firecrackers of any kind. (Ord. 87-12 § 4, 1987)

8.04.050 PROHIBITIONS-UNLAWFUL ACTS.

Except as provided herein, it is unlawful for any person to sell or display, offer to sell, give away, or use fireworks within the city. It is unlawful for a person to allow or permit fireworks to be used or exploded on his premises or premises under his control. It is unlawful for any person to mishandle or misuse fireworks. The following constitute unlawful mishandling or misuse of fireworks:

A. It is unlawful to throw any fireworks, whether such fireworks is burning or not.
B. It is unlawful to throw or to otherwise use fireworks from an automobile or other motor vehicle, whether the vehicle is moving or standing still.
C. It is unlawful to store, keep, sell or use any fireworks within fifty feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon.
D. It is unlawful to discharge or use any fireworks within one thousand feet of any hospital, sanitarium or infirmary.
E. It is unlawful to discharge or use any fireworks in, under or on an automobile or other motor vehicle, whether moving or standing still.
F. It is unlawful to discharge or use fireworks within fifty feet of any retail fireworks stand or facility where fireworks are sold.
G. It is unlawful to mishandle or misuse fireworks in any other way. (Ord. 87-12 § 5, 1987)

8.04.060 EXCEPTIONS.

The following exceptions shall apply:

A. New year between the hours of twelve noon and twelve midnight and each year between the hours of twelve noon on December 31 and two a.m. on January 1.
B. The following fireworks may be possessed or used, as provided in this section, provided that nothing in this section shall be construed to allow the possession or use of any fireworks that is not a Class C firework as defined by federal law:
    1. Nonpoisonous snakes and items of similar composition;
    2. Roman candles, not exceeding ten balls with total pyrotechnics composition not exceeding twenty grams in weight and inside tube diameter not exceeding three-eighths inch;
    3. Skyrockets with sticks, total pyrotechnic composition not exceeding twenty grams in weight, and inside tube diameter not one-half inch;
    4. Helicopter-type rockets, total pyrotechnics composition not exceeding twenty grams in weight, and inside tube diameter not exceeding three-fourths inch;
    5. Cone fountains, with total pyrotechnic composition not exceeding fifty grams each in weight;
    6. Wheels, with total pyrotechnic composition not exceeding sixty grams for each driver unit or two hundred forty grams for each wheel, and with inside tube diameter or driver units not exceeding one-half inch;

7. Illuminating torches and colored fire in any form, with total pyrotechnic composition not exceeding one hundred grams each;
8. Dipped sticks, the pyrotechnic composition of which contains any chlorate or per chlorate not exceeding five grams, and all sparklers;
9. Mines and shells, of which the mortar is an integral part, total pyrotechnic composition not exceeding forty grams in weight;
10. Firecrackers and salutes with casings, with external dimensions not exceeding one and one-half inches in length and one-quarter inch in diameter, and total composition not exceeding two grains each in weight;
11. Smoke devices known as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of black, white or colored smoke.

C. Nothing in Section 8.04.050 of this chapter shall be construed as forbidding the possession or use of any fireworks by those in charge of a public exhibition. Such an exhibition may be held on any day or days of the year provided that it is held at a location which does not endanger persons or property, and provided than a pyrotechnic expert is used, and provided that those in charge of the exhibition obtain a permit and comply with Sections 8.04.070 and 8.04.080 of this chapter and all applicable state laws or regulation. (Ord. 96-05 § 3, 1996: Ord. 87-12 § 6, 1987)

8.04.070 PUBLIC EXHIBITIONS-PERMIT REQUIRED APPLICATION.

An applicant for a permit for a public exhibition or displays of fireworks shall file with the city clerk a written application therefore, duly subscribed and sworn by the applicant. Such application shall set forth the following:

A. The name of the association, organization or corporation sponsoring the display, together with the names of the persons to be in charge of the display;
B. The date and time of day at which the display is to be held;
C. The exact location planned for the display;
D. A description setting forth the name, age, address and experience of the persons who are to do the actual firing and discharging of the fireworks;
E. The number and kinds of fireworks to be discharged;
F. The manner and place of the storage of such fire- works between the date of purchase and the date of display;
G. A diagram or sketch of the ground on which the display is to be held, showing the point at which the fire- works are to be discharged, the location of all buildings,

street, trees, telephone or telegraph lines or overhead obstructions within a distance of fifty yards of the point of discharge, and the lines behind which the public will be restrained. (Ord. 87-12 § 7, 1987)

8.04.080 PUBLIC EXHIBITIONS-PERMIT APPLICATION FILING.

An application for a permit for a public exhibition or displays of fireworks shall be filed with the city clerk at least twenty days before the date set for the display. A copy of such application shall be sent at once to the chief of police, who shall make or cause to be made, an investigation of the site of the proposed display and investigate the competence and skill of the persons in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this chapter, (s)he shall so advise the city clerk within ten days, who shall issue the permit. The applicant for a permit shall, at the time of filing application therefore, pay to the city clerk a fee of twenty-five dollars which sum shall be refunded in the event the application for such permit is denied. Each applicant shall also pay to the city clerk a nonrefundable investigation fee of thirty dollars. (Ord. 87-12 § 8, 1987)

8.04.090 VIOLATION-PENALTIES.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule. (Ord. 18-01-02-01; Prior Ord. 87-12 § 8, 1987)

Chapter 8.12 - PUBLIC HEALTH CLINIC

8.12.010 ESTABLISHED.

There shall be a department known as the "Thorne Bay Health Clinic." The purpose of the Thorne Bay Health Clinic shall be to provide health care services to the community of Thorne Bay. The city may either operate and manage the clinic, or contract for clinic operations and management. If the clinic is operated and managed by the city, the following sections of this chapter shall apply. (Ord. 97-16 § 4, 1997: Ord. 88-43 § 5(Attach. (Part)), 1988)

8.12.020 HEALTH CLINIC STAFF.

A. The number of regular and special clinic staff members shall be recommended to the health and safety council by the regular clinic staff to be forwarded to the chief executive officer for approval.
B. Regular staff members of the clinic are city employees and shall be hired in accordance with and shall abide by the city personnel policy. The employees will be supervised by the city administrator regarding non-medical administrative matters.
C. A sponsoring physician or physicians licensed to practice medicine in the state will supervise the clinic staff regarding medical practices, in accordance with the Physicians and Nurses Practices Act, Alaska State Statutes.
D. Visiting health care professionals duly licensed to practice nursing in the state and physicians duly licensed to practice medicine in the state will be invited and encouraged to use clinic facilities in accordance with the existing Visiting Physicians Policy. All visiting health care professionals shall be required to provide the city with proof of liability insurance coverage prior to their use of the clinic facilities. (Ord. 88-43 § 5(Attach. (part)), 1988)

8.12.030 QUALIFICATIONS-RESPONSIBILITIES.

A. Qualifications.
    1. Clinic staff health care professionals must hold a current license to practice nursing and/or medicine within the state.
    2. Clinic staff health care professionals shall attend continuing education as required to maintain a current nursing and/or medical license. The city shall be responsible for the cost of the required education and the health care professional staff is

required to choose classes applicable to the operation of the clinic. As the need arises, additional training may be requested and approved by the chief executive officer.

B. Responsibilities.
   1. Clinic staff health care professionals shall practice in accordance with existing state statutes;
   2. Offer examination services in the clinic;
   3. Report examination findings to patient's physician;
   4. Carry out physician's orders if licensed to do so;
   5. Maintain patient records;
   6. Support visiting health workers visits;
   7. Keep a record of charges and receipts information from clinic visits;
   8. Assist with the health and safety council planning efforts regarding community health care and services;
   9. Provide technical assistance and/or direction to local emergency personnel;
   10. The clinic administrator shall be responsible for providing clinic coverage by clinic personnel whenever possible. Coverage by non-clinic personnel must be approved in advance by the chief executive officer. (Ord. 88-43 § 5(Attach. (part)), 1988)

8.12.040 CLINIC ADMINISTRATOR.

The clinic administrator will act in a supervisory capacity over the health clinic. His or her duties shall include, but are not necessarily limited to, the following:

A. Recommend clinic policies to the health and safety council for approval by the chief executive officer;
B. Be responsible for the maintenance and care of all property belonging to the clinic;
C. Prepare and submit a tentative clinic budget by April 30th of each year or at such other time as requested by the chief executive officer;
D. Submit charges and receipts information to the city bookkeeper;
E. Monthly transmit copies of patient encounter forms to the supervising physician. (Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (part)), 1988)

8.12.050 HEALTH AND SAFETY COUNCIL REPRESENTATIVE.

The clinic administrator shall be a member of the health and safety council and shall assume the responsibilities required by the position. (Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (Part)), 1988)

8.12.060 ESTABLISHMENT OF FEES.

The clinic administrator shall submit to the health and safety council any proposed changes in the schedule of fees for consideration and recommendation by the health and safety council to the chief executive officer for approval. (Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (Part)), 1988)

8.12.070 CLINIC STAFF-CONDUCT.

It shall be the duty of every member of the clinic staff to conduct himself in a professional manner to ensure patient confidentiality, and to refrain from conduct which brings discredit to himself, other staff members, or the city. Each member of the clinic staff shall obey the directions of the clinic administrator, city administrator and supervising physician. (Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (Part)), 1988)

Chapter 8.24 - DEPARTMENT OF EMERGENCY MANAGEMENT

8.24.010 DEPARTMENT ESTABLISHED.

There is established a Department of Emergency Management. Executive and administrative duties are vested in the office of the mayor, who may appoint such other personnel as shall be found necessary to properly and safely accomplish the purpose of the department of emergency management.

8.24.020 PURPOSE.

It is the desire of the city to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the city. To this end, the department of emergency management shall be responsible for implementing the approved emergency operations plan and shall be the liaison agency with the City of Thorne Bay Emergency Management Office and the Alaska Division of Homeland Security and Emergency Management.

8.24.030 EMERGENCY RESPONSE PLAN.

There shall be an emergency response plan developed jointly with the City of Thorne Bay Emergency Management Office and the Alaska Division of Homeland Security and Emergency Management, which shall be adopted by ordinance and may be amended by resolution with notification to the City of Thorne Bay Emergency Management Office and the Alaska Division of Homeland Security and Emergency Management.

8.24.040 NO GOVERNMENTAL OR PRIVATE LIABILITY.

A. No emergency management agency or authorized emergency response personnel while in proper performance of his/her required duties shall be held liable for any damage sustained to persons or property as a result of emergency response activity except and unless gross negligence or willful misconduct is proven.

B. No person owning or controlling real property, who allows the use of that property for emergency response activities shall be held liable for death or injury resulting from that use, except and unless gross negligence or willful misconduct is proven

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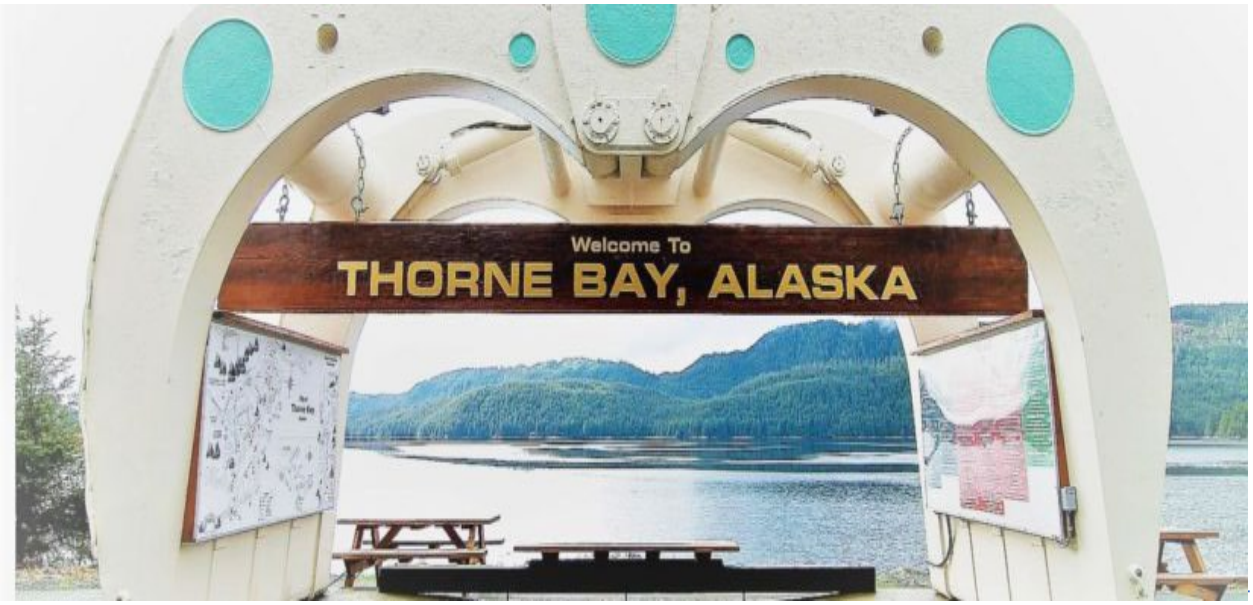

TITLE 9 PUBLIC PEACE MORALS & WELFARE

CODIFIED APRIL 6, 2021

Thorne Bay City Council

Thorne Bay Municipal Code

TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 9.02 – CURFEW FOR MINORS 260

9.02.010 DEFINITIONS. 260
9.02.020 CONTROL OF MINORS. 260
9.02.025 AIDING AND ABETTING VIOLATIONS. 260
9.02.030 CURFEW HOURS. 260
9.02.040 EXCEPTIONS. 260
9.02.050 VIOLATIONS-PENALTIES. 261

CHAPTER 9.04 OFFENSES GENERALLY 262

9.04.010 LAWS OF ALASKA-VIOLATIONS-ORDINANCES NOT EXCLUSIVE. 262

CHAPTER 9.05 DISCHARGE OF FIREARMS – SECTIONS 263

9.05.010 PROHIBITED ACTS. 263
9.05.020 EXCEPTIONS. 263
9.05.030 VIOLATIONS-PENALTIES. 263

Chapter 9.06 MARIJUANA ESTABLISHMENTS 264

9.06.010 Local regulatory authority. 264
9.06.020 MARIJUANA ESTABLISHMENTS PROHIBITED. 264
9.06.025 REGISTRATION REQUIRED. 264
9.06.030 LIMITS ON NUMBER OF MARIJUANA ESTABLISHMENTS. 264
9.06.035 HOURS OF OPERATION. 265
9.06.040 IDENTIFICATION REQUIREMENT TO PREVENT SALE TO PERSON UNDER 21. 265
9.06.050 PRODUCTION OF MARIJUANA CONCENTRATES PROHIBITED. 265
9.06.055 PROHIBITION ON ON-SITE CONSUMPTION OF MARIJUANA. 265
9.06.060 ENFORCEMENT AND INSPECTION. 266
9.06.070 DEFINITIONS. 266
9.06.080 PENALTIES FOR VIOLATION. 266

CHAPTER 9.07 CONTROLLED SUBSTANCES 267

9.07.010 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE. 267
9.07.020 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE. 267
9.07.030 SCHEDULES OF CONTROLLED SUBSTANCES. 268
9.07.040 CONSUMING MARIJUANA IN A PUBLIC PLACE. 268

CHAPTER 9.08 ALCOHOLIC BEVERAGES 269
9.08.010 DEFINITIONS. 269
9.08.020 STATE LICENSE-REQUIRED. 269
9.08.030 HOURS OF CONSUMPTION. 269
9.08.040 PERSON UNDER TWENTY-ONE-ACCESS TO LICENSED PREMISES. 269
9.08.050 PERSON UNDER TWENTY-ONE-POSSESSION-CONSUMPTION. 270
9.08.060 PERSON UNDER TWENTY-ONE-FURNISHING ALCOHOLIC BEVERAGES. 270
9.08.070 PERSON UNDER TWENTY-ONE-FURNISHING ALCOHOLIC BEVERAGES BY LICENSEE. 271
9.08.080 PERSON UNDER TWENTY-ONE-PURCHASE. 271
9.08.090 UNLAWFUL DRINKING ON PREMISES. 272
9.08.100 SOLICITATION OF ALCOHOLIC BEVERAGES. 272
9.08.110 DRUNKEN PERSON-SALE OR DISPOSITION OF ALCOHOLIC BEVERAGES. 272
9.08.120 DRUNKEN PERSON-ACCESS TO LICENSED PREMISES. 272
9.08.130 ENFORCEMENT OF RESTRICTIONS IN LICENSED PREMISES. 272
9.08.140 STOCK TO BE KEPT ON PREMISES. 273
9.08.150 INSPECTION. 273
9.08.160 PLAYING MUSIC-RESTRICTION. 273
9.08.170 CLUBS-SERVING RESTRICTION. 273
9.08.180 DANGEROUS WEAPON POSSESSION. 273
9.08.190 ENFORCEMENT 273
9.08.200 VIOLATIONS-PENALTIES. 273
CHAPTER 9.12 PROTECTION OF SURVEY MONUMENTS: 274
9.12.010 DEFINITIONS. 274
9.12.020 PURPOSE. 274
9.12.030 UNLAWFUL ACTS. 274
9.12.040 ENFORCEMENT. 275
9.12.050 RESURVEY RESPONSIBILITY. 275
9.12.060 VIOLATIONS-PENALTIES. 275
9.12.070 CIVIL REMEDIES. 275
CHAPTER 9.16 PROTECTION OF WATER LAKE WATERSHED 276
9.16.010 DEFINITIONS. 276
9.16.020 TITLE FOR CITATION-JURISDICTION. 277
9.16.030 ESTABLISHMENT OF WATERSHEDS. 277
9.16.040 PROHIBITED ACTS. 277

9.16.050 PERMITTED ACTS. 278
9.16.060 ENFORCEMENT. 279
9.16.070 OBEDIENCE OF LAW REQUIRED. 279
9.16.080 OBEDIENCE TO OFFICIALS REQUIRED. 279
9.16.090 EMERGENCY POWERS. 279
9.16.100 COMPLIANCE ORDER. 280
9.16.110 PENALTY AND REMEDIES. Error! Bookmark not defined.
9.16.110 PENALTY AND REMEDIES. 282
9.16.120 REMEDIES CUMULATIVE. 282

CHAPTER 9.20 LITTER CONTROL284

9.20.010 DEFINITIONS. 284
9.20.020 LITTERING PROHIBITED. 285
9.20.030 PREVENTION OF SCATTERING. 285
9.20.040 UPSETTING OR TAMPERING WITH LITTER RECEPTACLES. 285
9.20.050 WALKWAYS, STREETS AND ALLEYS. 285
9.20.060 PRIVATE PREMISES. 286
9.20.070 PUBLIC PLACES. 286
9.20.080 BUSINESS PREMISES. 286
9.20.090 LITTERING FROM VEHICLES. 286
9.20.100 LITTERING FROM AIRCRAFT. 286
9.20.110 LITTER IN PARKS. 286
9.20.120 CONSTRUCTION SITES. 287
9.20.130 PARKING LOTS-LITTER RECEPTACLES REQUIRED. 287
9.20.140 LITTER RECEPTACLES OBSTRUCTING TRAFFIC. 287
9.20.150 COMMERCIAL HANDBILLS PROHIBITED. 287
9.20.160 ENFORCEMENT. 288
9.20.170 OBEDIENCE OF LAW REQUIRED. 288
9.20.180 OBEDIENCE TO OFFICIALS REQUIRED. 288
9.20.190 EMERGENCY POWERS. 288
9.20.200 COMPLIANCE ORDER. 289
9.20.210 PENALTY AND REMEDIES. 290
9.20.220 REMEDIES CUMULATIVE. 290

CHAPTER 9.22 WATER HYDRANTS – SECTIONS: 291

9.22.010 DEFINITIONS. 291
9.22.020 DESCRIPTION AND LOCATION. 291
9.22.030 INTENDED USE. 291
9.22.040 ACCESSIBILITY. 291

9.22.050 FENCE OPENINGS AND GATES. 292
9.22.060 VIOLATIONS-PENALTIES. 292

CHAPTER 9.02 – CURFEW FOR MINORS

9.02.010 DEFINITIONS.

As used in this chapter, "minor" means a person seventeen year of age or younger. (Ord. 94-03 § 3(part), 1994)

9.02.020 CONTROL OF MINORS.

It is unlawful for any person having custody or control of a minor to allow the minor to be out past the curfew hours except as provided in Section 9.02.040 of this chapter. No person shall be convicted under this chapter unless they had knowledge the minor was out after the prescribed curfew or had been advised by a law enforcement officer of the curfew, or of violations in the past. (Ord. 94-03 § 3(part), 1994)

9.02.025 AIDING AND ABETTING VIOLATIONS.

It is unlawful for any adult to aid or abet the violation of any section of this chapter. (Ord. 97-23 § 3(part), 1997)

9.02.030 CURFEW HOURS.

A. From June 1st through August 31st, it is unlawful for any minor to remain on the streets or in any public place in the city between the hours of :
   1. Nine p.m. to six a.m. for minors under the age of twelve;
   2. Eleven p.m. to six a.m. for minors between the ages of twelve and fourteen;
   3. Twelve a.m. to six a.m. for minors between the ages of fifteen and seventeen.

B. From September 1st through May 31st, it is unlawful for any minor to remain on the streets or in any public place in the city between the hours of nine p.m. and six a.m. Sunday through Thursday. On Friday and Saturday, curfew hours are as follows:
   1. Nine p.m. to six a.m. for minors under the age of twelve;
   2. Ten p.m. to six a.m. for minors between the ages of twelve to fourteen;
   3. Eleven p.m. to six a.m. for minors between the ages of fifteen to seventeen.

(Ord. 02-09-05-02 § 3, 2002: Ord. 95-16 § 3, 1995: Ord. 94-03 § 3(part), 1994)

9.02.040 EXCEPTIONS.

The following are exceptions to this chapter:

A. The minor is with their parent or legal guardian.

B. The minor is attending a sanctioned school function that is scheduled to occur past the curfew hours.
C. The minor is accompanied by a person twenty-one year of age or older and has permission from the parent or legal guardian.
D. The minor is going to or coming from gainful employment.
E. The minor is attending an adult supervised city-sanctioned youth event. (Ord. 97-23 § 3(part), 1997; Ord. 95-16 (part), 1995; Ord. 94-03 § 3(part), 1994)

9.02.050 VIOLATIONS-PENALTIES.

A. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the Fine Schedule in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to $300 if the offense is not listed in 1.16.035.
B. A parent, legal guardian, or other person having custody or control of a minor that is in violation of the curfew is subject to the aforementioned fines.
C. Any adult who helps, assists, facilitates, promotes or encourages a child to commit a violation of this chapter, by advancing or bringing about its commission, is subject to the aforementioned fines. (Ordinance 18-08-21-05; Part A; Prior Ord 18-01-02-01; Ord. 97-23 § 3(part), 1997; Ord. 96-28 § 3(part), 1996; Ord. 94-03 § 3(part), 1994;)

CHAPTER 9.04 OFFENSES GENERALLY

9.04.010 LAWS OF ALASKA-VIOLATIONS-ORDINANCES NOT EXCLUSIVE.

No person shall violate any law of the state of Alaska, nor any rule or regulation adopted by any duly authorized agency of the state of Alaska. Violations of the foregoing shall be violations of the code of ordinances of the City of Thorne Bay, Alaska, except where the state has exclusive jurisdiction over the offense. (Prior code Ch. 1 § 7)

CHAPTER 9.05 DISCHARGE OF FIREARMS – SECTIONS

9.05.010 PROHIBITED ACTS.

Except as provided in this chapter, it shall be unlawful to discharge any firearm:

A. Within the South 1/2 of the Southeast 1/4 of Section 21, the South 1/2 of the Southwest 1/4 of Section 22, the Northeast 1/4 of Section 28, and the West 1/2 of Section 27, Township 71 South, Range 84 East, Copper River Meridian (commonly known as the main town site of the City of Thorne Bay); within lands depicted in Alaska State Land Survey 80-121 (commonly known as the South Thorne Bay Subdivision); and within lands depicted in Alaska State Land Survey 93-141 (commonly known as the Goose Creek Industrial Subdivision), all located within the municipal boundaries of the City of Thorne Bay, Alaska;

B. On, into, or across that body of water known as Thorne Bay; or

C. Within the municipal boundaries of Thorne Bay one-half hour before sunrise and one-half hour after sunset.

D. Any citizen from discharging a firearm on the left side of the Kasaan Road #2030970 when traveling to Kasaan from Goose Creek between the "no shooting" sign at AP&T power pole #116, a distance of approximately 2.5 miles. (Ordinance 05-12-06-02) (Ord. 96-28 § 3(part), 1996)

9.05.020 EXCEPTIONS.

This chapter shall not be construed to prohibit:

A. Any officer of the law from discharging a firearm in the performance of the officer's duty;

B. Any citizen from discharging a firearm when lawfully defending person or property;

9.05.030 VIOLATIONS-PENALTIES.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to $300 if the offense is not listed in the 1.16.035 fine schedule. (Ord. 18-01-02-01; Prior Ord. 96-28 § 3(part), 1996)

CHAPTER 9.06 MARIJUANA ESTABLISHMENTS

9.06.010 Local regulatory authority.

A. The Thorne Bay city council shall be the local regulating authority responsible for processing applications submitted for a registration to operate a marijuana establishment within the boundaries of the local government under as 17.38.110(c).

B. Complete copies of applications required by the marijuana control board for new licenses, license renewals, changes of ownership, and transfer of licenses shall be submitted by the license applicant to the Thorne Bay city clerk on or before the same day that applications are submitted to the marijuana control board. The city clerk will provide for city council and city staff review of the application and comment to the marijuana control board within the time limits set by the board.

C. License applications shall be reviewed by the Thorne Bay planning official to ensure compliance with local zoning code, distances from facilities provided for in 3 AAC 306.010(a), and related municipal ordinances. The Thorne Bay planning official will forward comments on each application to the city clerk for city council review.

D. License applications shall be reviewed by the Thorne Bay law enforcement officer, and comments will be sent to the city clerk for city council review. [ord. 21-04-06-01]

9.06.020 MARIJUANA ESTABLISHMENTS PROHIBITED.

Commercial marijuana cultivation, commercial marijuana manufacturing, and commercial marijuana testing facilities, as defined, licensed, or regulated by the Alaska marijuana control board, are prohibited. [ord. 21-04-06-01]

9.06.025 REGISTRATION REQUIRED.

All marijuana establishments shall be registered with the city as required by TBMC 3.17.065 and be compliant with TBMC title 18-zoning. A registration may be issued only when:

1) A valid license has been issued by the Alaska marijuana control board; and

2) The Thorne Bay planning official certifies that the proposed marijuana establishment complies with TBMC title 17. [ord. 21-04-06-01]

9.06.030 LIMITS ON NUMBER OF MARIJUANA ESTABLISHMENTS.

There shall be a limit on the number of licensed retail marijuana stores located within the municipal boundaries of the City of Thorne Bay as follows: 1. No more than two licensed retail marijuana stores. [ord. 21-04-06-01]

9.06.035 HOURS OF OPERATION.

A licensed retail marijuana store may not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises between the hours of 3:00 a.m. and 8:00 a.m. each day. [ord. 21-04-06-01]

9.06.040 IDENTIFICATION REQUIREMENT TO PREVENT SALE TO PERSON UNDER 21.

A. A licensed retail marijuana store shall refuse entry into the licensed premises to any person failing to produce a form of valid photo identification showing that person is 21 years of age or older. A valid form of identification includes:
    1. An unexpired, unaltered passport.
    2. An unexpired, unaltered driver's license; instruction permit, or identification card of any state or territory of the United States, the district of Columbia, or a province of Canada.
    3. An identification card issued by a federal or state agency authorized to issue a driver's license or identification card.
B. A licensed retail marijuana store shall refuse to sell marijuana or a marijuana product to any person who does not produce a form of valid photo identification showing that person is 21 years of age or older. [ord. 21-04-06-01]

9.06.050 PRODUCTION OF MARIJUANA CONCENTRATES PROHIBITED.

A. No person may produce solvent-based marijuana concentrate using the hydrocarbons nbutane, isobutene, propane, or heptane or other explosive or corrosive chemicals, solvents, or gases.
B. Any violation of this chapter is an infraction and shall be punished by the fine established in TBMC 1.16.035 for violation of TBMC 9.06.010.
C. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
D. In this section, "concentrate," "marijuana concentrate," and "marijuana" have the meaning given in 3 AAC 306.990. [ord. 21-04-06-01]

9.06.055 PROHIBITION ON ON-SITE CONSUMPTION OF MARIJUANA.

No licensed retail marijuana store shall permit consumption of marijuana or a marijuana product on the licensed premises within the city limits of Thorne Bay. A licensed retail marijuana store is considered a "public place" as the term is used at TBMC 9.07.040. [ord. 21-04-06-01]

9.06.060 ENFORCEMENT AND INSPECTION.

A. The code enforcement officer shall be responsible for ensuring compliance, including all conditions of approval applied by state and local regulatory authorities, for marijuana establishments within the municipal boundaries of the City of Thorne Bay. The Thorne Bay police department shall assist the city's code enforcement officer in the course of inspecting marijuana establishments, ensuring compliance with conditions of approval, and issuing citations for noncompliance of ordinances, regulations, and imposed license, zoning, and registration conditions.

B. It is unlawful for any licensee or employee of licensee to refuse a law enforcement officer, or code enforcement officer, access to and inspection of all areas of a licensed premise. [ord. 21-04-06-01]

9.06.070 DEFINITIONS.

In this section:

"Concentrate" or "marijuana concentrate" has the meaning given in 3 AAC 306.990.

"Marijuana" and "marijuana products" has the meaning given in as 17.38.900.

"Marijuana establishment" and "licensed premises" means a commercial marijuana retail, cultivation, product manufacturing, or testing facility licensed by the State of Alaska under as 17.38 and 3 AAC 306.

"THC" has the meaning given in 3 AAC 306.990.

"THC-bearing" means any product containing an amount equal to or greater than 0.01 milligrams of THC per gram of product, or 0.001 percent THC concentrate. [ord. 21-04-06-01]

9.06.080 PENALTIES FOR VIOLATION.

Any violation of this chapter is an infraction and shall be punished by the fine established in TBMC 1.16.035 for violation of TBMC 9.07.010. [ord. 21-04-06-01]

CHAPTER 9.07 CONTROLLED SUBSTANCES

9.07.010 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE.

Except as authorized in as chapter 17.30, a person commits the crime of misconduct involving a controlled substance in the sixth degree if the person:

A. Uses or displays any amount of a schedule via controlled substance or possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule via controlled substance on a public street or sidewalk or on the premises of a public carrier or business establishment or in any other public place;

B. Knowingly possesses any amount of a schedule via controlled substance within the immediate control of that person while operating a propelled vehicle;

C. Being under 19 years of age, possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than four ounces containing a schedule via controlled substance;

D. Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of four ounces or more containing a schedule via controlled substance; or e. Refuses entry into a premises for an inspection authorized under as chapter 17.30. [ord. 21-04-06-01]

9.07.020 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE.

Except as authorized in as chapter 17.30, a person commits the offense of misconduct involving a controlled substance in the seventh degree if the person:

A. Manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one-half ounce of a schedule via controlled substance; or

B. Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one ounce containing a schedule via controlled substance on a public street or sidewalk or on the premises of a public carrier or business establishment or in any other public place. [ord. 21-04-06-01]

9.07.030 SCHEDULES OF CONTROLLED SUBSTANCES.

Controlled substances referred to herein by schedule number are the same as those identified by the corresponding schedule numbers in as 11.71.140 through 11.71.190. [ord. 21-04-06-01]

9.07.040 CONSUMING MARIJUANA IN A PUBLIC PLACE.

A. It is unlawful for any person to knowingly consume marijuana when the person is:
    1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
    2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

B. For purposes of this section, the definitions of the words and phrases below shall apply:
    3. “consume” shall have the meaning, in all conjugate forms, of “consumption” set forth in as 17.38.900.
    4. “Marijuana” shall have the meaning set forth in as 17.38.900.
    5. “Public Place” means a place to which the public or a substantial group of persons has access and includes, but is not limited to: streets and highways; motorized vehicles occupying streets, highways or other public places; sidewalks; alleys; transportation facilities; parking areas; convention centers; sports arenas; schools; places of business or amusement; shopping centers; malls; parks; playgrounds; jails; and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

CHAPTER 9.08 ALCOHOLIC BEVERAGES

9.08.010 DEFINITIONS.

As used in this chapter, "alcoholic beverage" means, but is not limited to, whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing more than one percent alcohol by volume. (Ord. 88-08 § 4(part), 1988)

9.08.020 STATE LICENSE-REQUIRED.

No person shall manufacture, sell, offer for sale, possess for sale or barter, traffic in or barter an alcoholic beverage unless under license or permit obtained pursuant to state law. The licensees referred to herein are the parties having such licenses from the state of Alaska. (Ord. 88-08 § 4(part), 1988)

9.08.030 HOURS OF CONSUMPTION.

A. A person may not sell, offer for sale, give, furnish, deliver or consume an alcoholic beverage on any licensed premises within the city between the hours of three a.m. and eight a.m. on any day of the week.

B. A licensee, his agent or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of three a.m. and eight a.m. on any day of the week.

C. A licensee, his agent or employee may not permit a person to and person may not enter licensed premises between the hours of three a.m. and eight a.m. any day of the week; provided, however, this restriction does not apply to common carriers as defined in AS 42.10.420(2), or to an employee of the licensee who is on the premises to prepare for the next day's business or to persons remaining on the premises of a restaurant or eating place to consume food or nonalcoholic beverages. (Ord. 88-08 § 4(part), 1988)

9.08.040 PERSON UNDER TWENTY-ONE-ACCESS TO LICENSED PREMISES.

A. A person under the age of twenty-one years may not knowingly enter or remain in licensed premises unless:

1. Accompanied by a parent, guardian or spouse who has attained the age of twenty-one years;

2. The person is at least sixteen years of age, the premises are designated by the Alaska Alcoholic Beverage Control Board as a restaurant for the purposes of AS 04.16, and the person enters and remains only for dining; or
3. The person is under the age of sixteen years, is accompanied by a person over the age of twenty-one years, the parent or guardian of the under-aged person consents, the premises are designated by the Alaska Alcoholic Beverage Control Board as a restaurant for the purposes of AS 04.16, and the person enters and remains only for dining.

B. Notwithstanding subsection A of this section, a licensee or any agent or employee of the licensee may refuse entry to a person under the age of twenty-one years to that part of licensed premises in which alcoholic beverages are sold, served or consumed may refuse service to a person under the age of twenty-one years, or may require a person under the age of twenty-one years to leave the portion of the licensed premises in which alcoholic beverages are sold, served or consumed.

C. Notwithstanding any other provision in this section, a person between sixteen and nineteen years of age may enter and remain within the licensed premises of a hotel, restaurant or eating place in the course of employment if:
1. The employment does not involve the serving, mixing, delivering or dispensing of alcoholic beverages;
2. The person has the written consent of a parent or guardian; and
3. An exemption from the prohibition of AS 23.10.355 has been granted by the Alaska Department of Labor. The Alaska Alcoholic Beverage Control Board, with the approval of the municipality and at the licensee's request, designates which premises are hotels, restaurants or eating places for the purposes of this subsection.

D. Notwithstanding any other provision in this section, a person nineteen or twenty year of age may be employed within the licensed premises of a hotel, restaurant or eating place, may enter and remain within those premises for the purposes of employment, but may not, in the course of employment, sell, serve, deliver or dispense alcoholic beverages. (Ord. 88-08 § 4(part), 1988)

9.08.050 PERSON UNDER TWENTY-ONE-POSSESSION-CONSUMPTION.

A person under the age of twenty-one years may not knowingly consume, possess or control alcoholic beverages except those furnished persons under subsection B of Section 9.08.060. (Ord. 88-08 § 4(part), 1988)

9.08.060 PERSON UNDER TWENTY-ONE-FURNISHING ALCOHOLIC BEVERAGES.

A. A person may not furnish an alcoholic beverage to a person under the age of twenty-one years.
B. This section does not prohibit the furnishing of an alcoholic beverage:
    1. By a parent to his child, by a guardian to his ward, or by a spouse to his or her legal spouse if the furnishing occurs off licensed premises; or
    2. By a licensed physician or nurse to a patient in the course of administering medical treatment. (Ord. 88-08 § 4(part), 1988)

9.08.070 PERSON UNDER TWENTY-ONE-FURNISHING ALCOHOLIC BEVERAGES BY LICENSEE.

A licensee or any agent or employee of the licensee may not with criminal negligence:

A. Allow another person to sell, barter or give an alcoholic beverage to a person under the age of twenty-one years within licensed premises;
B. Allow a person under the age of twenty-one years to enter and remain within licensed premises except as provided in Section 9.08.040;
C. Allow a person under the age of twenty-one years to consume an alcoholic beverage within licensed premises;
D. Allow a person under the age of twenty-one years to sell or serve alcoholic beverages. (Ord. 88-08 § 4(part), 1988)

9.08.080 PERSON UNDER TWENTY-ONE-PURCHASE.

A. person under the age of twenty-one years may not purchase alcoholic beverages or solicit another or purchase alcoholic beverages for the person under the age of twenty-one.
B. A person may not influence the sale, gift or service of an alcoholic beverage to a person under the age of twenty-one years, by misrepresenting the age of that person.
C. A person may not order or receive an alcoholic beverage from a licensee, an agent or employee of the licensee, or another person, for the purpose of selling, giving or serving it to a person under the age of twenty-one years.
D. A person under the age of twenty-one years may not enter licensed premises where alcoholic beverages are sold and offer or present to a licensee or an agent or employee of the licensee a birth certificate or other written evidence of age, that is fraudulent or false or that is not actually the person's own, or otherwise misrepresent the person's age, for the purpose of inducing the licensee or an agent or employee of the licensee to sell, give, serve or furnish alcoholic beverages contrary to law.

E. A person under the age of twenty-one who is seeking to enter and remain in a licensed premise under subsection A (2) or (3) of Section 9.08.040 may not misrepresent the person's age or having obtained the consent of the parent or guardian required by that section. (Ord. 88-08 § 4(part), 1988)

9.08.090 UNLAWFUL DRINKING ON PREMISES.

It is unlawful for a licensee to permit the drinking of alcoholic beverages by any person upon the premises covered by his license unless such drinking is permitted under the license held by the licensee for such premises. (Ord. 88-08 § 4(part), 1988)

9.08.100 SOLICITATION OF ALCOHOLIC BEVERAGES.

A licensee, his agent or employee may not knowingly permit a person to loiter within or about licensed premises for the purposes of begging or soliciting a patron or visitor to purchase alcoholic or other beverages for the person who is begging or soliciting. (Ord. 88-08 § 4(part), 1988)

9.08.110 DRUNKEN PERSON-SALE OR DISPOSITION OF ALCOHOLIC BEVERAGES.

A licensee, his agent or employee may not with criminal negligence:

A. Sell, give or barter alcoholic beverages to a drunken person;
B. Allow another person to sell, give or barter an alcoholic beverage to a drunken person within licensed premises;
C. Allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises;
D. Permit a drunken person to sell or serve alcoholic beverages. (Ord. 88-08 § 4(part), 1988)

9.08.120 DRUNKEN PERSON-ACCESS TO LICENSED PREMISES.

A drunken person may not knowingly enter or remain on licensed premises. (Ord. 88-08 § 4(part), 1988)

9.08.130 ENFORCEMENT OF RESTRICTIONS IN LICENSED PREMISES.

A licensee, his agent or employee may not permit the consumption of alcoholic beverages by any person within licensed premises unless it is permitted by the license. (Ord. 88-08 § 4(part), 1988)

9.08.140 STOCK TO BE KEPT ON PREMISES.

It is unlawful for a licensee to carry for sale any stock of alcoholic beverages except on the premises covered by his license. (Ord. 88-08 § 4(part), 1988)

9.08.150 INSPECTION.

It is unlawful for any licensee or his employee to refuse a law enforcement officer the right to inspect all of his licensed premises. (Ord. 88-08 § 4(part), 1988)

9.08.160 PLAYING MUSIC-RESTRICTION.

It is unlawful for any licensee to permit or cause the playing of any music or other reproduction of any music within licensed premises except during such hours as the premises are lawfully open for business. (Ord. 88-08 § 4(part), 1988)

9.08.170 CLUBS-SERVING RESTRICTION.

It is unlawful for any club to sell alcoholic beverages under a club license to any person other than members of the club and their families. (Ord. 88-08 § 4(part), 1988)

9.08.180 DANGEROUS WEAPON POSSESSION.

It is unlawful for any customer to carry or possess within licensed premises any knife with a straight blade of any length, or a folding knife with a blade in excess of three and one-half inches. (Ord. 88-08 § 4(part), 1988)

9.08.190 ENFORCEMENT

REPEALED (ORD. 18-01-02-01; PRIOR ORD. 88-08 § 4(PART), 1988)

9.08.200 VIOLATIONS-PENALTIES.

Any person violating any provision of this chapter shall be guilty of an infraction and shall be punished by the fine established in 1.16.035 Fine Schedule if the offense is listed in that fine schedule or by a fine of up to $300 if the offense is not listed in the 1.16.035 fine schedule.

CHAPTER 9.12 PROTECTION OF SURVEY MONUMENTS:

9.12.010 DEFINITIONS.

As used in this chapter, the following terms are defined below:

A. "Corner" means a point determined by the surveying process that determines the boundaries of the various subdivisions represented on the official plat of the city of Thorne Bay, including but not limited to, witness corners, reference corners, township corners, section corners, quarter-section corners, subdivision corners or meander corners.
B. "Meander lines" means lines run in surveying particular to portions of public lands which border on navigable waters not as boundaries of the tract, but for the purpose of defining the sensuosities of the banks of streams.
C. "Meander post" means any object used to mark the location of a meander line, including but not limited to, a marked metal post.
D. "Survey monument" means any object used to mark the location of a survey corner, including but not limited to a metal post having an inscribed cap. (Ord. 88-12 § 2, 1988)

9.12.020 PURPOSE.

The purpose of this chapter is to:

A. Effect and accomplish the protection and perpetuation of survey monumentation;
B. Safeguard the city's survey monumentation;
C. Stabilize and improve property values in the city;
D. Provide for a means by which destroyed or disturbed survey monuments may be replaced;
E. Establish guidelines to follow respecting replacement of destroyed or disturbed survey monuments; and
F. Assess penalties for destruction or disturbance of survey monumentation.

(Ord. 88-12 § 3, 1988)

9.12.030 UNLAWFUL ACTS.

It is unlawful for any person to destroy, disturb, deface, change or remove to another place any witness corner, reference corner, section corner, quarter-section corner, meander post or any survey monument of any state of Alaska or city survey. (Ord. 88-12 § 6, 1988)

9.12.040 ENFORCEMENT.

REPEALED BY ORDINANCE 18-01-02-01

9.12.050 RESURVEY RESPONSIBILITY.

The chief executive officer may, in his discretion, cause to be made, as he may deem necessary, resurveys, retracements and/or re-monumentation of the surveys of municipal lands as, after full investigation, he may deem essential to properly mark the boundaries of municipal lands remaining undisposed of; provided that no such resurvey, retracement or remonumentation shall be so executed as to impair the bona fide rights or claims of any claimant, entry man or owner of lands affected by such resurvey, retracement or remonumentation. The cost of such resurvey, retracement and/or remonumentation shall be assessed to and borne by the party guilty of violating the provisions of this chapter; provided, however, in the event no guilty party can be determined, such cost shall be borne by the city. (Ord. 88-12 § 10, 1988)

9.12.060 VIOLATIONS-PENALTIES.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to $300 if the offense is not listed in the 1.16.035 fine schedule. (Ordinance 18-08-21-05; Prior Ord. 18-01-02-01)

9.12.070 CIVIL REMEDIES.

A. In addition to the penalties prescribed in this chapter for violations, the city or an aggrieved person may institute a civil action against a person who violates a provision of this chapter. In addition to other relief, a civil penalty not to exceed one thousand dollars may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or threatened violation, the court shall grant the injunction.
B. Each thirty-day period that an unlawful act continues constitutes a separate violation. (Ord. 88-12 § 9, 1988)

CHAPTER 9.16 PROTECTION OF WATER LAKE WATERSHED

9.16.010 DEFINITIONS.

A. "Domestic animal" means any animal kept for pleasure or utility that is dependent or partially dependent upon people for food and shelter, including but not limited to dogs, cats, ferrets, rabbits, chickens, ducks, geese, horses, cows, goats, sheep, mules, pigs and donkeys.

B. "Logging roads" means a road, restricted from use by the general public by a locked gate or other barrier and prepared for the purpose of travel exclusively by log trucks, timber harvesting machinery and other vehicles necessary for timber management.

C. "Mining" means extraction from the earth, sediments, or waters of any metallic or nonmetallic mineral, sand, gravel, peat or construction rock.

D. "Roads" means any street, highway, or other course, paved or unpaved, for the purpose of motor vehicle travel, with the exception of logging roads.

E. "Sewage" means human excretion, gray water, and other water carried waste.

F. "Solid waste" means any waste or trash, including but not limited to bottles, broken glass, ashes, paper, boxes, cans, dirt, metal, rubbish, garbage and refuse.

G. "Toxic substances" means those materials, or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, behavioral abnormalities, malignancy, genetic mutations, physiological abnormalities (including malfunctions in reproduction) or physical deformations, in affected organisms or their offspring; the term includes the following substances, and other substances identified as a toxic pollutant under Section 307(a) of the Clean Water Act of 1977 (33 U.S.C. Section 466, et seq.), including, but not limited to, fertilizers, chemicals, oil and oil by-products, rubber products, herbicides, insecticides and pesticides.

H. "Vehicle" means any wheeled or tractor treaded conveyance, whether motor powered or self-propelled and includes, but is not limited to, automobiles, motor homes, trucks, vans, tractors, graders, backhoes, motorcycles, motor scooters, all-terrain vehicles, snowmobiles, bicycles and wagons.

I. "Waters" means any creek, river, tributary, pond, lake or other surface drainage.

J. "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, muskegs, bogs and similar areas.

K. "Water Lake watershed protection area" means that tract of land containing 153.10 acres, more or less, situated in the Tongass National Forest in the state of Alaska, more particularly described as follows:

1. Beginning at the southeast corner of the north 1/2 of the southwest 1/4 of Section 22, Township 71 South, Range 84 East, Copper River meridian, thence north 36° 00' East 1,200 feet, thence south 81°00' East 1,500 feet, thence south 1°00' East 1,700 feet, thence south 37°00' West 800 feet, thence south 24°00' West 500 feet, thence south 49°00' West 1,100 feet, thence north 53°30' West 1,200 feet, thence north 7°15' East 2,084 to the point of beginning. Attached to the ordinance codified in this chapter and incorporated in this subsection by reference as Exhibit A is the official Water Lake watershed protection area map depicting the above-described tract of land. (Ord. 99-18 § 6, 1999; Ord. 89-19 § 5(part), 1989)

9.16.020 TITLE FOR CITATION-JURISDICTION.

Chapter 9.16 of the Thorne Bay Municipal Code shall be known and cited as the "Thorne Bay Watershed Protection Ordinance." As authorized by AS 29.35.020, this chapter shall be applicable to all lands and waters within the Water Lake watershed protection area, which watersheds are located inside the city limits. (Ord. 89-19 § 5(part), 1989)

9.16.030 ESTABLISHMENT OF WATERSHEDS.

The watershed of the city is the Water Lake watershed protection area, the location and boundaries of which are described in Section 9.16.010 and set forth in Exhibit A, attached to the ordinance codified in this chapter and incorporated herein. (Ord. 89-19 § 5(part), 1989)

9.16.040 PROHIBITED ACTS.

Except as otherwise provided herein, the following acts are prohibited in the Water Lake watershed protection area (hereinafter called "area"):

A. No person shall enter or trespass upon the area.
B. No vehicle of any kind shall be allowed in the area.
C. No domestic animal of any kind shall be allowed in the area.
D. No boats or other floating devices of any kind shall be allowed in the area.
E. No unauthorized logging equipment or construction equipment of any kind shall be allowed in the area.
F. No hunting, fishing or trapping shall be allowed in the area.
G. No person shall dispose of or cause to be disposed of any solid wastes, toxic substances or sewage in the area.
H. No person shall dig or remove any soil, rock, stones, trees, shrubs, plants, downed timber or other wood or materials or excavate by tool, equipment, blasting or other method in the area.
I. No mining shall be permitted in the area.
J. No person shall swim or otherwise enter into the waters of the area. (Ordinance 19-08-20-02) Prior Ord. 89-19 § 5(part), 1989)

9.16.050 PERMITTED ACTS.

A. The city employees or agents shall be allowed to enter upon the Water Lake watershed protection area for purposes of maintenance, repairs or emergencies.
B. The United States Government, Department of Agriculture, Forest Service and its contractors (hereinafter called "U.S.F.S."), shall be permitted to enter the area for purposes of logging Timber Harvest Units Number 586-3 and 588-104. The U.S.F.S. shall be permitted to transport timber from the above-described timber harvest units over the existing road number 3000140. Immediately upon completion of the above-described timber harvest, the U.S.F.S. will reseed the grounds adjacent to that portion of road number 3000140 which traverses the Water Lake watershed protection area and the permission granted hereunder to enter the area for said timber harvesting purposes shall terminate. Road access on the existing road traversing the Water Lake watershed protection area which may be necessary for future timber harvest units designated for areas located outside of the Water Lake watershed protection area, shall be coordinated in such a manner to ensure that any potential environmental hazards or contamination will be mitigated.
C. The U.S.F.S. shall have the right to enter upon the Water Lake watershed protection area for purposes of fighting fire, for purposes of mitigating or controlling other

natural disasters or acts of God, for purposes of tree inspection, for purposes of examining or protecting wildlife habitat and for other administrative purposes.

D. The Alaska Department of Fish and Game Department of Natural Resources shall have the right to enter upon the Water Lake watershed protection area for purposes of examining or protecting wildlife habitat and for other administrative purposes. (Ord. 89-19 § 5(part), 1989)

9.16.060 ENFORCEMENT.

It shall be the duty of the Village Public Safety Officer or Code Enforcement Officer, (hereinafter called "Code Enforcement Officer") to enforce the provisions of this chapter. (Ord. 89-19 § 5(part), 1989)

9.16.070 OBEDIENCE OF LAW REQUIRED.

It is a violation of this chapter for any person to do any act which is forbidden or to fail to perform any act required to be performed in this chapter. (Ord. 89-19 § 5(part), 1989)

9.16.080 OBEDIENCE TO OFFICIALS REQUIRED.

The failure or refusal to comply with any lawful order or direction of the Code Enforcement Officer given in connection with this chapter shall be a violation of this chapter. (Ord. 89-19 § 5(part), 1989)

9.16.090 EMERGENCY POWERS.

A. When it is found, after investigation, that a person is causing, engaging in or maintaining a condition or activity which, in the judgment of the Code Enforcement Officer presents an imminent or present danger to the health, safety, or welfare of the people of the municipality or would result in or be likely to result in irreversible or irreparable damage to the Water Lake watershed protection area, and it appears to be prejudicial to the interest of the people of the municipality to delay action until an opportunity for a hearing can be provided, the Code Enforcement Officer, without prior hearing, may order that person by notice to discontinue, abate, or alleviate the condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.

B. Upon receipt of an order of the Code Enforcement Officer made under subsection A of this section, the person affected has the right to be heard and to present proof to the city council that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the public health, safety or welfare or to the Water Lake watershed protection area.

C. In the chief executive officer's discretion or upon application made by the recipient of an order within fifteen days of receipt of the order, the chief executive officer shall schedule a hearing before the city council at the earliest possible time. The hearing shall be scheduled within five days after receipt of the application. The submission of an application or the scheduling of a hearing does not stay the operation of the Code Enforcement Officer's order made under subsection A of this section.

D. After a hearing the city council may affirm, modify, or set aside the order. An order affirmed, modified, or set aside after a hearing is subject to judicial review. The order is not stayed pending judicial review unless the city council so directs. If an order is not immediately complied with, the city attorney, upon request of the chief executive officer, may seek enforcement of the order. (Ordinance 19-08-20-02; Prior Ord. 89-19 § 5(part), 1989)

9.16.100 COMPLIANCE ORDER.

A. When, in the opinion of the Code Enforcement Officer, a person is violating or is about to violate a provision of this chapter, or a lawful order of the Code Enforcement Officer, the Code Enforcement Officer may notify the person of his determination by personal service or certified mail.

B. The recipient of the determination must file with the Code Enforcement Officer, within ten days, a report stating what measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the notice.

C. After the report is filed under subsection B of this section, or the time period specified for it has elapsed, the Code Enforcement Officer may issue a compliance order. A copy of the compliance order shall be served personally or sent by certified mail to the person affected. A compliance order is effective upon receipt.

D. Within fifteen days after receipt the recipient may request a hearing before the city council to review the compliance order. Failure to request a hearing within fifteen

days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.

E. The city council shall hold a hearing within twenty days after receipt of a request for one under subsection D of this section. After the hearing the city council may rescind, modify or affirm the compliance order.

F. Appeal from a decision of the city council shall be to the superior court, provided notice of appeal is filed with the superior court no later than thirty days following the city council's issuance of its written decision (this time limit is jurisdictional) and the appellant pay the city, by depositing with the city clerk, the city's cost of preparing the entire record (including a transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense.

G. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely on the record established in this chapter, pursuant to AS 29.40.060(b).

H. The city attorney may seek enforcement of a compliance order. (Ordinance 19-08-20-02; Prior Ord. 89-19 § 5(part), 1989)

9.16.110 PENALTY AND REMEDIES.

A. Civil Remedies.

1) Upon violation of any of the provisions of this chapter, or failure or refusal to comply with any lawful order or direction of the city watershed officer given in connection with this chapter, the city watershed officer on behalf of the city, or any aggrieved citizen, may institute or cause to be instituted an appropriate civil action to prevent, enjoin, abate, estop, remove or punish such violation and to obtain monetary damages suffered by such party.

2) In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed one thousand dollars and attorney fees as provided by law.

3) Each day a violation continues shall constitute an additional violation for purposes of assessing civil penalties.

4) An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation.

B. Criminal Remedies. Any violation of the provisions of this chapter, including failure or refusal to comply with any lawful order or direction of the city watershed officer given in connection with this chapter, is a misdemeanor. Every person convicted of such violation shall be subject to a fine not exceeding one thousand dollars, a jail term not exceeding thirty days, or both. Each unlawful act or condition, and every day upon which such continues, shall constitute a separate violation. (Ord. 89-19 § 5(part), 1989)

9.16.120 REMEDIES CUMULATIVE.

All remedies provided by this chapter are cumulative, and the securing of relief, whether injunctive, civil or criminal, under a section or subsection of this chapter does not prevent the municipality from obtaining relief under any other section or subsection of this chapter. The remedies provided in this chapter are in addition to all other remedies available at law or in equity. (Ord. 89-19 § 5(part), 1989)

CHAPTER 9.20 LITTER CONTROL

9.20.010 DEFINITIONS.

The following terms, phrases, words and their derivations shall have the meaning given herein unless their use in the text clearly demonstrates a different meaning.

A. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. "Aircraft" includes helicopters and lighter-than-air dirigibles and balloons.

B. "City" means and includes all those lands located within the city limits of Thorne Bay, Alaska, as depicted on that certain map produced in 1984 by Northwest Cartography entitled Landownership Edition, segments 1 through 10, Thorne Bay, Alaska, one copy of which has been filed in the office of the city clerk for public use, inspection and examination, and which map is made a part of this section as if fully set forth herein.

C. "Commercial handbill" means and includes any handbill which advertises for sale, or promotional gifts or prizes, any merchandise, product, commodity or thing; directs attention to any business for the purpose of either directly or indirectly promoting the interests thereof by sales or by other means; directs attention to or advertises any meeting, exhibition, theatrical or other performance or event of any kind for which an admission fee is charged; while containing reading or pictorial matter other than Advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

D. "Construction sites" means and includes any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

E. "Elements" means and includes any element whether created by nature or created by man, which with reasonable foresee ability could carry litter from one place to another. Elements shall include, but are not limited to, air current, rain, water current and animals.

F. "Litter" means and includes any non-containerized manmade or man-used waste which, if deposited within the city other than in a litter receptacle, tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the city. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

G. "Litter receptacles" means and includes any container which is designed to receive litter and to prevent the escape of litter deposited therein, which is of such size or sufficient capacity to hold all litter generated between collection periods.

H. "Park" means and includes a public or private park, reservation, playground, beach, recreation center or any public or private area devoted to active or passive recreation, or any other area under the supervision of the department of public parks.

I. "Parking lots" means and includes any private or public property with provisions for parking vehicles, to which the public is invited or which the public is permitted to use, or which is visible from any public place or private premises.

J. "Private premises" means and includes any dwelling, use, building or other structure designed to be used, either wholly or in part, for private Residential purposes, whether uninhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house, building or other structure.

K. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

L. "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks. (Ord. 89-22 § 5(part), 1989)

9.20.020 LITTERING PROHIBITED.

No person shall deposit any litter within the city except in litter receptacles for collection or in any duly licensed disposal facility. (Ord. 89-22 § 5(part), 1989)

9.20.030 PREVENTION OF SCATTERING.

Persons placing litter in litter receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises. (Ord. 89-22 § 5(part), 1989)

9.20.040 UPSETTING OR TAMPERING WITH LITTER RECEPTACLES.

No person shall upset or tamper with any public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises. (Ord. 89-22 § 5(part), 1989)

9.20.050 WALKWAYS, STREETS AND ALLEYS.

Persons owning, occupying or in control of any public place or private premises shall keep the walkways, streets and alleys adjacent thereto free of litter. (Ord. 89-22 § 5(part), 1989)

9.20.060 PRIVATE PREMISES.

The owner or person in control of private premises shall maintain litter receptacles for collection of litter as necessary and in such a manner that litter will be prevented from being carried by the elements to adjoining premises. (Ord. 89-22 § 5(part), 1989)

9.20.070 PUBLIC PLACES.

Every owner, occupant, tenant or lessee using or occupying any public place shall provide adequate litter receptacles of sizes, numbers and types as may be required to contain all litter generated by those persons frequenting that public place, and as specified by the litter enforcement officer for all public places. (Ord. 89-22 § 5(part), 1989)

9.20.080 BUSINESS PREMISES.

The owner or person in control of any business, including but not limited to restaurants, shopping centers, fast-food outlets, stores, hotels, motels, industrial establishments, office buildings, laundromats, apartment buildings, housing projects, gas stations, hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of such premises so as to permit it to accumulate litter thereon.

9.20.090 LITTERING FROM VEHICLES.

No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any public place or private premises. (Ord. 89-22 § 5(part), 1989)

9.20.100 LITTERING FROM AIRCRAFT.

No person in an aircraft shall throw out, drop or deposit any litter within the city. (Ord. 89-22 § 5(part), 1989)

9.20.110 LITTER IN PARKS.

No person shall deposit litter in any park within the city except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner. (Ord. 89-22 § 5(part), 1989)

9.20.120 CONSTRUCTION SITES.

Each contractor shall be responsible for the job site in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private business. Litter or other debris deposited as a result of any construction process upon any public place or private premises, shall be removed. (Ord. 89-22 § 4(part), 1989)

9.20.130 PARKING LOTS-LITTER RECEPTACLES REQUIRED.

All premises having parking lots shall provide in an easily accessible location, a minimum of one refuse container for up to ten spaces and at least one additional refuse container for every twenty additional parking spaces. It shall be the duty and obligation of all persons using parking lot areas to use such litter receptacles as herein above provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot. (Ord. 89-22 § 5(part), 1989)

9.20.140 LITTER RECEPTACLES OBSTRUCTING TRAFFIC.

Litter receptacles shall not be placed in any location where they may obstruct vehicular traffic or unreasonably obstruct pedestrian traffic. (Ord. 89-22 § 5(part), 1989)

9.20.150 COMMERCIAL HANDBILLS PROHIBITED.

A. No person shall throw, scatter or cast any kind of commercial handbill in or upon any public place within the city; and no person shall hand out or distribute or sell any commercial handbill in any public place; provided, however, it shall not be unlawful for any person to hand out or distribute handbills or any other thing which is otherwise permitted and authorized by law in any public place to any person willing to accept such handbill or other thing, without payment therefore.

B. No person shall deposit, fasten, throw, scatter or cast any commercial handbill in or upon any vehicle. The provisions of this paragraph shall not be deemed to prohibit the handing of any commercial handbill to the owner or other occupant of any vehicle who is willing to accept it.

C. No person shall place any commercial handbill in or on any private premises which are vacant.

D. No person shall place any commercial handbill in or on any private premises which are inhabited, except by handing or transmitting any such handbill directly to any other person then present in or upon the private premises. The provisions of this paragraph shall not be deemed to prohibit the posting of commercial handbills on private premises, if the handbill is placed so as to prevent it from being carried by the elements about such premises or elsewhere.

E. Any person distributing any commercial handbills shall maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

F. The provision of this section shall not be construed to prohibit the distribution of newspapers, television programming materials, municipal public notices and political pamphlets. (Ord. 89-22 § 5(part), 1989)

9.20.160 ENFORCEMENT.

It shall be the duty of the village protection safety officer (hereinafter called "litter enforcement officer") to enforce the provisions of this chapter. (Ord 18-01-02-01) (Prior Ord. 89-22 § 5(part), 1989)

9.20.170 OBEDIENCE OF LAW REQUIRED.

It is a violation of this chapter for any person to do any act which is forbidden or fail to perform any act required to be performed in this chapter. (Ord. 89-22 § 5(part), 1989)

9.20.180 OBEDIENCE TO OFFICIALS REQUIRED.

The failure or refusal to comply with any lawful order or direction of the litter enforcement officer given in connection with this chapter shall be a violation of this chapter. (Ord. 89-22 § 5(part), 1989)

9.20.190 EMERGENCY POWERS.

A. When it is found, after investigation, that a person is causing, engaging in or maintaining a condition or activity which, in the judgment of the litter enforcement officer presents an imminent or present danger to the health, safety or welfare of the people of the municipality or would result in or be likely to result in irreversible or irreparable damage to adjoining property or premises, and it appears to be prejudicial to the interest of the people of the municipality to delay action until an opportunity for a hearing can be provided, the litter enforcement officer, without prior hearing,

may order that person by notice to discontinue, abate or alleviate the condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.

B. Upon receipt of an order of the litter enforcement officer made under subsection A of this section, the person affected has the right to be heard and to present proof to the city council that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the public health, safety or welfare.

C. In the chief executive officer's discretion or upon application made by the recipient of an order within fifteen days of receipt of the order, the chief executive officer shall schedule a hearing before the city council at the earliest possible time. The hearing shall be scheduled within five days after receipt of the application. The submission of an application or the scheduling of a hearing does not stay the operation of the city litter enforcement officer's order made under subsection A of this section.

D. After a hearing the city council may affirm, modify or set aside the order. An order affirmed, modified or set aside after a hearing is subject to judicial review. The order is not stayed pending judicial review unless the city council so directs. If an order is not immediately complied with, the city attorney, upon request of the chief executive officer, may seek enforcement of the order. (Ord. 89-22 § 5(part), 1989)

9.20.200 COMPLIANCE ORDER.

A. When, in the opinion of the city litter enforcement officer, a person is violating or is about to violate a provision of this chapter, or a lawful order of the litter enforcement officer, the litter enforcement officer may notify the person of his determination by personal service or certified mail.

B. The recipient of the determination must file with the litter enforcement officer, within the five days, a report stating what measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the notice.

C. After the report is filed under subsection B of this section, or the time period specified for it has elapsed, the litter enforcement officer may issue a compliance order. A copy of the compliance order shall be served personally or sent by certified mail to the person affected. A compliance order is effective upon receipt.

D. Within fifteen days after receipt the recipient may request a hearing before the city council to review the compliance order. Failure to request a hearing within fifteen days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.

E. The city council shall hold a hearing within twenty days after receipt of a request for one under subsection D of this section. After the hearing the city council may rescind, modify or affirm the compliance order.

F. Appeal from a decision of the city council shall be to the superior court, provided notice of appeal is filed with the superior court no later than thirty days following the city council's issuance of its written decision (this time limit is jurisdictional) and the appellant pay the city, by depositing with the city clerk, the city's cost of preparing the entire record (including a transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense.

G. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely on the record established in this chapter, pursuant to AS 29.40.060(b).

H. The city attorney may seek enforcement of a compliance order. (Ord. 89-22 § 5(part), 1989)

9.20.210 PENALTY AND REMEDIES.

A. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to $300 if the offense is not listed in 1.16.035.

B. Each day a violation continues shall constitute an additional violation for purposes of assessing fines. An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing violation, the court shall grant injunctive relief to restrain the violation and attorney fees as provided by law. (Ord. 18-18-21-05; Prior Ord. 18-01-02-01; Prior Ord. 89-22 § 5(part), 1989)

9.20.220 REMEDIES CUMULATIVE.

All remedies provided by this chapter are cumulative, and the securing of relief under a section or subsection of this chapter does not prevent the municipality from obtaining relief under any other section or subsection of this chapter. The remedies provided in this chapter are in addition to all other remedies available at law or equity. (Ord. 89-22 § 5(part), 1989)

CHAPTER 9.22 WATER HYDRANTS – SECTIONS:

9.22.010 DEFINITIONS.

"Water hydrant" means "fire hydrant" or "fire plug" in this chapter. (Ord. 91-10 § 4(part), 1991)

9.22.020 DESCRIPTION AND LOCATION.

Located throughout the city, most commonly along road easement boundaries or adjacent to a public facility, are water hydrants. More specifically these hydrants can be identified as fire hydrants painted red, yellow or a combination of red and black. (Ord. 91-10 § 4(part), 1991)

9.22.030 INTENDED USE.

A. The water hydrants described in Section 9.22.020 shall be used for extinguishing fires and such other uses as may be approved by the city administration.

B. The aforementioned water hydrants shall not be used for any other purpose than those approved by this or other ordinances. (Ord. 91-10 § 4(part), 1991)

9.22.040 ACCESSIBILITY.

A. No person, property owner, building occupant or building visitor shall deposit or allow others to deposit any materials, vehicles or plant life (living or dead) within eight feet of any water hydrant which, if deposited, would obstruct access to the water hydrant by firemen or private persons working to extinguish an unwanted fire.

B. No person, property owner, building occupant or building visitor shall, within eight feet of the aforementioned water hydrants, tie or leash or contain in a fenced enclosure, any animal that may attack or threaten any fireman or private person that is in the process of extinguishing an unwanted fire or using the water hydrant for any other approved purpose.

C. No person, property owner, building occupant or building visitor shall park or allow any other person to park a vehicle in such a way so as to block access to a water hydrant. (Ord. 91-10 § 4(part), 1991)

9.22.050 FENCE OPENINGS AND GATES.

A. No property owner may build or allow building occupants to build fences or any other structures which enclose or obstruct access to the aforementioned water hydrants.

B. The distance from a fence or other structure to a water hydrant is not prescribed in feet but the fence or other structure must be placed so as to afford free and unfettered access to the water hydrant for firemen and other authorized persons. (Ord. 91-10 § 4(part), 1991)

9.22.060 VIOLATIONS-PENALTIES.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule, or by a fine of up to $300 if the offense is not listed in 1.16.035. (Ord. 18-01-02-01; Prior Ord. 91-10 § 4(part), 1991)

2022

TITLE 10

VEHICLES & TRAFFIC

Thorne Bay Municipal Code

Codified June 2022

TITLE 10 - VEHICLES AND TRAFFIC

CHAPTER 10.04 - GENERAL PROVISIONS 296

10.04.010 STATE LAW GENERALLY-ADOPTION BY REFERENCE. 296
10.04.015 TRAFFIC FINE SCHEDULE - ADOPTION OF STATE BAIL FORFEITURE SCHEDULES BY REFERENCE. 296
10.04.020 DEFINITIONS. 296
10.04.030 AAC TITLE 13 PROVISIONS-ADOPTION BY REFERENCE. 297
10.04.040 AAC TITLE 17 PROVISIONS-ADOPTION BY REFERENCE. 299
10.04.050 AS TITLE 11 PROVISIONS-ADOPTION BY REFERENCE. 299
10.04.060 AS TITLE 12 PROVISIONS-ADOPTION BY REFERENCE. 299
10.04.070 AS TITLE 19 PROVISIONS-ADOPTION BY REFERENCE. 299
10.04.080 AS TITLE 28 PROVISIONS-ADOPTION BY REFERENCE. REPEALED. 299
10.04.090 AS TITLE 42 PROVISIONS 299
10.04.100 ENFORCEMENT AUTHORITY. REPEALED. (ORDINANCE 18-01-02-01; PRIOR ORD. 88-07 § 4(2.010), 1988) 299
10.04.110 OBEDIENCE TO TRAFFIC LAWS REQUIRED REPEALED8) 299
10.04.120 OBEDIENCE TO OFFICIALS REQUIRED. 300
10.04.130 PUSH CARTS-ANIMALS. 300
10.04.140 PROHIBITED DEVICES. 300
10.04.150 APPLICABILITY TO PUBLIC EMPLOYEES. 300
10.04.160 VIOLATIONS-PENALTIES. 300
10.04.170 DISPOSITION OF FINES AND FORFEITURES. REPEALED. 301

CHAPTER 10.08 - CITATIONS: 302

10.08.070 ILLEGALLY PARKED VEHICLE. 302
10.08.080 FAILURE TO COMPLY WITH CITATION ATTACHED TO VEHICLE. 302
10.08.090 OWNER PRESUMED DRIVER. 302
10.08.100 WARRANT ISSUANCE. REPEALED. 302
10.08.110 RECORDS. 302

CHAPTER 10.12 - IMPOUNDING: 303

10.12.010 AUTHORITY. 303
10.12.020 COSTS AND FEES. 304
10.12.030 ABANDONED VEHICLE. 304
10.12.040 SALE OF ABANDONED VEHICLES. 304

CHAPTER 10.16 - TRAFFIC CONTROL AUTHORITY: 306

10.16.010 APPLICABILITY. 306

10.16.020 POLICE DEPARTMENT DUTIES-POLICE AND FIRE DEPARTMENT OFFICIAL'S AUTHORITY. 306
10.16.030 TRAFFIC VIOLATION RECORD. 306
10.16.040 TRAFFIC ACCIDENT REPORTS. 307
10.16.050 ACCIDENT REPORTS CONFIDENTIALITY. 307
10.16.060 ACCIDENT STUDIES. 307
10.16.070 ANNUAL REPORT-POLICE DEPARTMENT. 307
10.16.080 EXPERIMENTAL REGULATIONS. 308
10.16.090 AUTHORITY TO CHANGE SPEED LIMITS. 308
10.16.100 REGULATION OF SPEED BY TRAFFIC CONTROL SIGNALS. 308
10.16.110 SPECIAL STOPS-ARTERIAL STREETS OR HIGHWAYS. 308
10.16.120 STOP INTERSECTIONS. 309
10.16.130 TRAFFIC CONTROL DEVICE INSTALLATION AUTHORITY. 309
10.16.140 CROSSWALKS-SAFETY ZONES. 309
10.16.150 TRAFFIC LANES. 310
10.16.160 ONE-WAY STREETS AND ALLEYS. 310
10.16.170 STREET CLOSED TO TRAFFIC. 310
10.16.180 MARKER PLACEMENT AUTHORITY. 310
10.16.190 RESTRICTED TURN SIGN PLACEMENT AUTHORITY. 311
10.16.200 PEDESTRIAN + VEHICLE OPERATION RESTRICTION AUTHORITY 311
10.16.210 ANGLE PARKING-SIGNS AND MARKING. 311
10.16.220 TRAFFIC CONTROL DEVICES-SPECIFICATIONS. 312
10.16.230 STOP SIGN-SPECIFICATIONS. 312

CHAPTER 10.20 - PARKING, STANDING AND STOPPING – 313

10.20.010 RESTRICTIONS AND EXCEPTIONS - AUTHORITY. 313
10.20.020 PARKING PROHIBITED: 314
10.20.030 OFF-STREET PARKING PLACE – TIME LIMITED PARKING/PERMIT PARKING 315
10.20.040 PARKING IN EXCESS OF POSTED TIME LIMIT – PERMIT PARKING. 316
10.20.050 EMERGENCY, STREET MAINTENANCE AND SNOW REMOVAL VEHICLES-OBSTRUCTION PROHIBITED. 316
10.20.060 OFF-STREET PARKING PLACE--REMOVAL OF UNAUTHORIZED VEHICLES. 317
10.20.070 REPEALED. 317
10.20.080 VIOLATIONS-PENALTIES. 317

CHAPTER 10.04 - GENERAL PROVISIONS

10.04.010 STATE LAW GENERALLY-ADOPTION BY REFERENCE.

State traffic laws adopted by reference.

A. The city adopts by reference all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the city.

B. At least one copy of the chapters of the Alaska Administrative Code, the Alaska Statutes and the schedule of fines for bail able offenses adopted herein shall be filed in the office of the city clerk and shall there be kept available for public use, inspection and examination so long as the provisions thereof remain in force. (Ordinance 18-01-02-01; Prior Ord. 88-07 § 4(1.010), 1988)

10.04.015 TRAFFIC FINE SCHEDULE - ADOPTION OF STATE BAIL FORFEITURE SCHEDULES BY REFERENCE.

The city adopts as its traffic fine schedule the “traffic bail forfeiture schedule” and the “oversize vehicle bail forfeiture schedule” in administrative rules 43.1 and 43.6 of the Alaska rules of court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska supreme court. In addition, the city adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as provided in as 12.25.195 - .230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by as 12.55.039 and as 29.25.074. Fines must be paid to the Court. If a traffic offense is not listed on this fine schedule or another fine schedule ordinance, the defendant must appear in court to answer to the charges. Citations charging these offenses must meet the requirements of minor offense rule 3 of the Alaska rules of court. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. (Ordinance 18-01-02-01; Prior Ord. 88-07 § 4(1.010), 1988)

10.04.020 DEFINITIONS.

REPEALED. (ORDINANCE 18-01-02-01; PRIOR ORD. 88-07 § 4(1.020), 1988)

10.04.030 AAC TITLE 13 PROVISIONS-ADOPTION BY REFERENCE.

The following provisions OF Title 13 of the Alaska Administrative Code are adopted by reference:

A. AAC TITLE 13, Chapter 2: Motor Vehicle and Driving Offenses: Rules of the Road;

B. Pursuant to the authority granted in 13 AAC 02.455 (a)(3) regarding municipal authority to allow off-highway vehicles to drive on roadways and highways under the municipality's jurisdiction, off-highway vehicles may be driven on a city right-of-way, city roadway, or on designated property over which the city has jurisdiction subject to the following restrictions:

1. DEFINITION, EQUIPMENT REQUIREMENTS, EXEMPTION.

a) Notwithstanding section 10.04.020, for purposes of this chapter, off-highway vehicle means any motorized vehicle with three or more wheels other than an automobile, truck, sport utility vehicle, motorcycle (any type of motorized bike, dirt bike), snowmobile, or motor home; off-highway vehicle includes all terrain vehicles (ATV'S), utility task vehicles (UTV'S), golf carts, and vehicles commonly referred to as amphibious ATV'S.

b) All off-highway vehicles must be equipped with a current vehicle registration issued by the state of Alaska and all equipment required under the Alaska Administrative Code, Title 13, Chapter 4, Sections 400-420, equipment on off-highway vehicles, snowmobiles and golf carts. In addition, a properly equipped off-highway vehicle should have operational seat belts; however, seatbelts are required only if the off-highway vehicle was originally manufactured with seatbelts.

c) Exemption. Off-highway vehicles used for maintenance of public utilities are exempt from this ordinance.

2. OPERATIONS AND RESTRICTIONS:

a) No person shall operate an off-highway vehicle faster than the posted speed limit;

b) Off-highway vehicles may be driven only on the extreme right-hand side of the roadway and in the same direction as the roadway motor vehicle traffic in the nearest lane of the roadway;

c) All off-highway vehicles must be equipped with a fluorescent orange flag measuring at least four inches by ten inches, mounted on a pole attached to the rear portion of the vehicle at a height of no less than six feet from the ground; D. Use of a protective helmet is required by an operator or any passenger under the age of 16 on an off-highway vehicle that is not equipped with manufacturer installed seat belts; use of a protective helmet is highly recommended for all other operators or passengers.

d) Passengers on off-highway vehicles will be limited to one per vehicle unless the vehicle was designed by the manufacturer to carry more than one passenger. Passengers must wear seatbelts if the vehicle is equipped with manufacturer installed seatbelts.
e) No person is allowed to drive an off-highway vehicle on a city right-of-way, a city roadway, or on designated property over which the city has jurisdiction, without a valid instruction permit, a valid provisional license, or a valid driver's license, issued by the state of Alaska.
f) Off-highway vehicles shall not pass other moving vehicles on the roadway.
g) Off-highway vehicle use will not be permitted between the hours of dusk and dawn unless the vehicle is equipped with operational headlights which provide adequate illumination to at least 15 feet, an operational taillight and brake light, and, if manufacturer installed, operational noise suppression muffler and turn signal lights.
h) All wheels of the off-highway vehicle shall remain in contact with the road at all times.
i) The driver of the off-highway vehicle shall not follow another vehicle closer than twenty-five (25) feet or five (5) lengths of the off-highway vehicle, whichever is greater.
j) Every person operating an off-highway vehicle must comply with all other motor vehicle laws of the state of Alaska.
k) Insurance required. Every off-highway vehicle that operates on a city right-of-way, city roadway, or on designated property over which the city has jurisdiction shall be insured under a motor vehicle liability policy that provides coverage in at least the minimum amounts as required for motor vehicles under Alaska statute 28.22.101.
l) No off-highway vehicle shall be operated in a manner so as to produce sufficient noise to disturb the peace and quiet of another.
m) No off-highway vehicle shall be operated in a careless, reckless, or negligent manner so as to endanger the person or property of another, or to cause injury or damage to such person or property.
n) No off-highway vehicle shall tow a sled, toboggan or other object, unless such object is attached to the vehicle by a rigid bar and the towed object is equipped with a red reflector.
o) Annual inspection of off-highway vehicles:
    1) All off-highway vehicles will be subject to annual inspection by the chief law enforcement officer, mayor or another person designated by the city of Thorne Bay.

2) All off-highway vehicles will have an off-highway vehicle inspection certification sticker affixed to a prominent area of the vehicle. The inspection certification sticker must be renewed every year.
3) No off-highway vehicle will be allowed on a city right-of-way, city roadway, or designated property under the jurisdiction of the city, without a current inspection certification sticker. (Ordinance 18-01-02-01; Prior Ord 89-26 § 5, 1989)(Ord. 17-02-07-01)

10.04.040 AAC TITLE 17 PROVISIONS-ADOPTION BY REFERENCE.

REPEALED. (ORDINANCE 18-01-02-01; PRIOR ORD. 88-07 § 4(3.020), 1988)

10.04.050 AS TITLE 11 PROVISIONS-ADOPTION BY REFERENCE.

(ORDINANCE 18-01-02-01; PRIOR ORD. 88-07 § 4(3.030), 1988)

10.04.060 AS TITLE 12 PROVISIONS-ADOPTION BY REFERENCE.

REPEALED. (ORDINANCE 18-01-02-01; PRIOR ORD. 88-07 § 4(3.040), 1988)

10.04.070 AS TITLE 19 PROVISIONS-ADOPTION BY REFERENCE.

The following provisions from Title 19 of Alaska Statutes are adopted by reference:

A. Driving Through Obstructions/Closed Area/Damaging Obstruction or Sign: AS 19.25.030. (Ord. 88-07 § 4(3.050), 1988)

10.04.080 AS TITLE 28 PROVISIONS-ADOPTION BY REFERENCE. REPEALED.

(Ordinance 18-01-02-01; prior ord. 88-07 § 4(3.060), 1988)

10.04.090 AS TITLE 42 PROVISIONS

Adoption by reference. Repealed. (Ordinance 18-01-02-01; prior ord. 88-07 § 4(3.070), 1988)

10.04.100 ENFORCEMENT AUTHORITY.

Repealed. (Ordinance 18-01-02-01; prior ord. 88-07 § 4(2.010), 1988)

10.04.110 OBEDIENCE TO TRAFFIC LAWS REQUIRED.

Repealed. (ordinance 18-01-02-01; prior ord. 88-07 § 4(2.020), 1988)

10.04.120 OBEDIENCE TO OFFICIALS REQUIRED.

The failure or refusal to comply with any lawful order or direction of a public safety officer or fire department official is a violation of this title. (Ord. 88-07 § 4(2.030), 1988)

10.04.130 PUSH CARTS-ANIMALS.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions which by their very nature can have no application. (Ord. 88-07 § 4(2.040), 1988)

10.04.140 PROHIBITED DEVICES.

A. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, sled or similar device shall go upon any street or roadway open to through traffic except while crossing a street on a crosswalk; and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

B. Any person violating any provision of this section is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule, or by a fine up to $50.00 if the offense is not listed in the 1.16.035 fine schedule. (ORDINANCE 18-01-02-01; PRIOR ORD. 88-07 § 4(2.050), 1988)

10.04.150 APPLICABILITY TO PUBLIC EMPLOYEES.

The provisions of this title apply to the driver of any vehicle owned by or used in the service of the United States Government, of the state of Alaska or of the city, and it is unlawful for any driver to violate any of the provisions of this title, except as otherwise permitted herein or by state statute. (Ord. 88-07 § 4(2.060), 1988)

10.04.160 VIOLATIONS-PENALTIES.

A. Every person who violates any provision of this title shall be subject to the fines established in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to $50.00 if the offense is not listed in the 1.16.035 fine schedule.

B. Any person who fails or refuses to pay fines duly assessed against him for violations of this title, after the accumulated fines equal or exceed three hundred dollars, shall become subject to impoundment of any motor vehicle of which he is a registered owner, and which was involved in any of such violations. (Ordinance 18-01-02-01; Prior Ord. 88-07 § 4(2.070), 1988)

10.04.170 DISPOSITION OF FINES AND FORFEITURES.

REPEALED. (ORDINANCE 18-01-02-01; PRIOR ORD. 88-07 § 4(2.080), 1988)

CHAPTER 10.08 - CITATIONS:

10.08.070 ILLEGALLY PARKED VEHICLE.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinances of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation for the driver to answer to the charge against him. (Ordinance 18-01-02-01; Prior Ord. 88-07 § 4(4.070), 1988)

10.08.080 FAILURE TO COMPLY WITH CITATION ATTACHED TO VEHICLE.

REPEALED. (Ordinance 18-01-02-01; Prior Ord. 88-07 § 4 (4.080), 1988)

10.08.090 OWNER PRESUMED DRIVER.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the citation was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, constitutes in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

B. The foregoing stated presumption applies only when the procedure as prescribed in Section 10.08.070 and 10.08.080 has been followed. (Ordinance 18-01-02-01; Prior Ord. 88-07 § 4(4.090), 1988)

10.08.100 WARRANT ISSUANCE. REPEALED.

(Ordinance 18-01-02-01; Prior Ord. 88-07 § 4(4.100), 1988)

10.08.110 RECORDS.

The city clerk shall keep or cause to be kept a record of every traffic citation deposited with or presented to the office of the clerk and shall keep a record of every official action by the city in reference thereto, including the disposition of each citation. (Ordinance 18-01-02-01; Prior Ord. 88-07 § 4(4.110), 1988)

CHAPTER 10.12 - IMPOUNDING:

10.12.010 AUTHORITY.

A. The chief of public safety is authorized to impound a vehicle from a street or highway to the nearest garage or other place of safety, or if no such place exists within the city, the vehicle shall be impounded where it is as is, under the circumstances hereinafter enumerated:
   1. When any vehicle is left unattended upon any bridge or causeway where such vehicle constitutes an obstruction of traffic;
   2. When a vehicle upon a street or highway is so disabled as to constitute an obstruction of traffic and the person or persons in charge of the vehicle are by reason of physical disability incapacitated to such an extent as to be unable to provide for its custody or removal;
   3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
   4. When any vehicle is parked in violation of parking prohibitions defined by Alaska regulations adopted herein by reference;
   5. When any vehicle is left unattended on the private property of any other person, without such other person's permission and such other person requests the chief of public safety to remove the same;
   6. When any vehicle has been parked within the right-of-way of any public street or roadway for longer than forty-eight hours or abandoned within such right-of-way. The presence of any vehicle which is inoperative and upon such right-of-way shall be prima facie evidence of abandonment;
   7. When the vehicle's owner has accumulated three hundred dollars or more in unpaid fees or penalties pursuant to this chapter. (Ordinance 18-01-02-01)

B. Whenever a public safety officer removes a vehicle from a street as authorized in this section, and the officer knows or is able to ascertain from the registration record in the vehicle the name and address for the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the reason therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage; a copy of such notice shall be given to the proprietor of such garage.

C. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, and in the event the vehicle is not returned to the owner within the period of three days, then and in that event the

officer shall immediately send or cause to be sent written report of such removal by mail to the state department or agency whose duty it is to register motor vehicles, and shall file copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or other place where the vehicle is stored. (Ord. 88-07 § 4(5.010), 1988)

10.12.020 COSTS AND FEES.

Before any vehicle which has been impounded is released, there shall be paid all costs incident to the removal and impounding of such vehicle. In addition, the following fee schedule shall apply:

Impoundment Fees:	
All vehicles, travel trailers, boats on trailers, storage containers or like items:	$ 250.00
Boat trailers, motorcycles or ATVs:	$ 100.00
Storage fee (per day):	$ 2.00

(Ordinance 18-01-02-01; Prior Ord. 02-09-05-03 § 3, 2002: Ord. 88-07 § 4(5.020), 1988)

10.12.030 ABANDONED VEHICLE.

When a vehicle has been impounded as provided in Section 10.12.010, then if it has not been claimed or reported as a stolen vehicle within thirty days subsequent to the date when notice of such impounding was given as provided in subsection B of Section 10.12.010, it shall be deemed to be an abandoned vehicle. (Ord. 88-07 § 4(5.030), 1988)

10.12.040 SALE OF ABANDONED VEHICLES.

A. Any abandoned vehicle may be sold by the city as follows:
   1. The clerk shall send via registered or certified mail (return receipt) to the owner of such vehicle, and to any person who holds a lien upon such vehicle, at such owner's or such lien holder's last known address, a notice which shall contain the following: an accurate description of the vehicle, the date that the vehicle was impounded, and a statement that unless the owner or lien holder reclaims the vehicle within ten days from the date of mailing the notice, that such vehicle shall be sold at public auction at a designated time and place. If with the exercise of reasonable diligence, the name of the owner or of a lien holder in respect to such vehicle cannot be ascertained, or if no address can

be found with respect to any such person, then the requirement for sending such notice shall be dispensed with.

2. After ten days have elapsed subsequent to the date of the mailing of the notice provided in subsection A of this section, or if no such notice is required then at any time an abandoned vehicle shall be sold at public auction after notice is given as follows: a written notice of the time and place of such sale shall be posted in three public places within five miles of the place where the sale is to be held, not less than ten days prior the date of sale, and one of such notices shall be posted at the post office nearest to the place where the sale is to be held.

3. At the time and place of such sale, such abandoned vehicle shall be sold to the bidder who makes the highest and best bid for cash. Any surplus remaining from the proceeds of such sale, after deducting the costs incident to the impounding and storage of such vehicle and in giving notice of such sale and selling the same, and deducting any accumulated fines owed to the city pursuant to this title, shall be held for the owner of such vehicle for a period of ten days, and if not claimed by the expiration thereof shall be abandoned into the city treasury.

B. The owner of any abandoned vehicle or lien holder in respect thereof may reclaim such vehicle at any time prior to the date of sale upon payment to the city of the following: any fine that may be imposed upon the owner or operator of such vehicle by reason of a violation of any provision of this title, and the costs incident to the impounding and storage of the vehicle.

C. If any abandoned vehicle is judged by the impounding officer under reasonable grounds to be worth less than the impound fee, the vehicle will be classified not for sale, and shall be turned over to the public works department for disposal of such vehicle. (Ord. 88-07 § 4(5.040), 1988)

CHAPTER 10.16 - TRAFFIC CONTROL AUTHORITY:

10.16.010 APPLICABILITY.

The provisions of this chapter shall apply to all streets, roads and alleys within the corporate boundaries of the city of Thorne Bay. (Ord. 83-07-14 § 1, 1983)

10.16.020 POLICE DEPARTMENT DUTIES-POLICE AND FIRE DEPARTMENT OFFICIAL'S AUTHORITY.

A. It shall be the duty of the chief of police and such officers as are assigned by the mayor or chief of police to enforce all traffic regulations and all of the state of Alaska Motor Vehicle Laws applicable to street and highway traffic of the city, to make arrests for traffic violations, to investigate accidents and to carry out those duties especially imposed upon the department of public safety by this chapter.

B. Officers of the police department and such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

C. Officers of the fire department, when at the scene of a fire or when operating firefighting apparatus on public streets may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Ord. 83-07-14 § 2, 1983)

10.16.030 TRAFFIC VIOLATION RECORD.

A. The police department shall keep a record of all moving violations of the traffic code of the city or the state of Alaska Motor Vehicle Laws of which any person has been charged. Such records shall be so maintained as to show all such types of moving violations and the total of each. The records shall accumulate during at least a five-year period, and from that time on the records shall be maintained for at least the most recent five-year period.

B. All forms for records of the herein mentioned violations and notices of the violation shall be serially numbered. For each month and year, a written record shall be kept available to the public, showing the disposal of all such forms. (Ord. 83-07-14 § 3, 1983)

10.16.040 TRAFFIC ACCIDENT REPORTS.

The police department shall receive and properly record all traffic accident reports made under any provision of this code or state statute or regulation. (Ord. 83-07-14 § 4, 1983)

10.16.050 ACCIDENT REPORTS CONFIDENTIALITY.

All written reports made of traffic accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department and the Alaska Department of Public Safety, except that the Police Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No written report of a traffic accident shall be used as evidence at any civil trial and no written report made by the defendant in a criminal prosecution shall be used as evidence in a criminal trial, arising out of the reported accident, except that the police department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court a certificate showing that the specified accident report has or has not been made to the police department solely to prove the compliance or failure to comply with the requirement that the report be made to the department. (Ord. 83-07-14 § 5, 1983)

10.16.060 ACCIDENT STUDIES.

Whenever the accidents in any particular location become numerous, the police department shall conduct studies of such accidents and determine remedial measures. (Ord. 83-07-14 § 6, 1983)

10.16.070 ANNUAL REPORT-POLICE DEPARTMENT.

The police department shall annually prepare a traffic report which will be filed with the mayor. Such report shall contain information on traffic matters in the city as follows:

A. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police.

C. The plans and recommendations of the department for future traffic safety activities. (Ord. 83-07-14 § 7, 1983)

10.16.080 EXPERIMENTAL REGULATIONS.

A. The mayor or his/her designee is empowered to make emergency and experimental regulations; such regulations are not to remain in effect for more than ninety days.

B. The mayor or chief of police may test traffic control devices under actual conditions of traffic. (Ord. 83-07-14 § 8, 1983)

10.16.090 AUTHORITY TO CHANGE SPEED LIMITS.

Whenever the mayor or the chief of police determines upon the basis of an engineering and traffic investigation that a speed greater or less than the speed limits set forth in this chapter would facilitate the orderly movement of vehicular traffic, he may determine and declare a speed limit which is found to be most appropriate to facilitate an orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street, road or highway. (Ord. 83-07-14 § 9, 1983)

10.16.100 REGULATION OF SPEED BY TRAFFIC CONTROL SIGNALS.

The mayor or the chief of police is authorized to regulate the timing of traffic control signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance with the speeds otherwise applicable under this chapter. (Ord. 83-07-14 § 10, 1983)

10.16.110 SPECIAL STOPS-ARTERIAL STREETS OR HIGHWAYS.

The mayor or the chief of police may designate and describe arterial street or highways and when so designated it shall be the duty of the chief of police, or his designee, to place and maintain a "stop" sign on each and every street or highway intersection such arterial street or highway or intersecting that portion thereof described and designated as such unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such arterial streets or highways or at the intersection of any arterial street and a heavy traffic street not so designated, "stop" signs shall be erected at the approaches of either of the streets as may be determined by the chief of police on the basis of a traffic study. (Ord. 83-07-14 § 11, 1983)

10.16.120 STOP INTERSECTIONS.

The mayor or the chief of police is authorized to determine and designate intersection where particular hazard exists upon other than arterial streets or highways and to determine and designate intersections where particular hazard exists upon other than arterial streets or highways and to determine whether vehicles shall stop at one or more entrances to any such intersection and shall erect a "stop" sign at every place where a stop is required. (Ord. 83-07-14 § 12, 1983)

10.16.130 TRAFFIC CONTROL DEVICE INSTALLATION AUTHORITY.

The chief of police, or his designee, shall place and maintain traffic control signs, signals and devices when required under the traffic laws of the city to make effective the provisions of the laws, and may place and maintain such additional traffic control devices as the mayor or his designee may deem necessary to regulate traffic under the traffic laws of the city or under state law, or to guide and warn traffic. The mayor or his designee may determine whose intersections at which it would facilitate the orderly movement of traffic and would be reasonable and safe to permit vehicles to turn right after stopping and shall place property signs at such intersections. Vehicular traffic facing the red signal and signs permitting a right turn shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and after stopping, may proceed with caution to make a right turn but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. (Ord. 83-07-14 § 13, 1983)

10.16.140 CROSSWALKS-SAFETY ZONES.

The mayor or his designee is authorized:

A. To designate and maintain, by appropriate devices, marks or lines upon the surface of roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadways, and at such other places as he may deem necessary;

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Ord. 83-07-14 § 14, 1983)

10.16.150 TRAFFIC LANES.

The chief of police or his designee may mark lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. (ORD. 83-07-14 § 15, 1983)

10.16.160 ONE-WAY STREETS AND ALLEYS.

A. The mayor or his designee may designate any one-way street or alley and when so designated the chief of police shall cause a sign to be placed and maintained giving notice thereof and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Upon those streets and parts of streets and in those alleys designated as one-way, vehicular traffic shall move only in the indicated direction when signs or other markings indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

C. The mayor or his designee is authorized to determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The chief of police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway. (Ord. 83-07-14 §16, 1983)

10.16.170 STREET CLOSED TO TRAFFIC.

A. The mayor or his designee is authorized to close streets to vehicle or pedestrian traffic

B. Whenever any street is closed to the use of traffic and the same so indicates by authorized signs or barriers, no vehicle shall proceed into the street or any portion thereof except as directed by the signs. Whenever a street is closed, notice shall immediately be given to the fire chief and the chief of police, if appropriate, by the person who closed the street. (Ord. 83-07-14 § 17, 1983)

10.16.180 MARKER PLACEMENT AUTHORITY.

The chief of police is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled so as indicated may conform to or be other than as prescribed by law. (Ord. 83-07-14 § 18, 1983)

10.16.190 RESTRICTED TURN SIGN PLACEMENT AUTHORITY.

A. The mayor or his designee is authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs so they may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. 83-07-14 § 19, 1983)

10.16.200 PEDESTRIAN AND VEHICLE OPERATION RESTRICTION AUTHORITY.

A. The mayor or his designee is authorized to post signs where necessary:

   1. To prohibit the operation of commercial vehicles on certain Residential streets or highways where such operation would create exceptional hazardous conditions or cause undue public inconvenience;

   2. Where signs are erected giving notice thereof, no person shall operate any commercial vehicles at any time upon any of the streets or highways or part of streets or highways so designated, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street or highway at the intersection nearest the destination of the vehicle and proceeding thereon no further than the nearest intersection thereafter.

B. To prohibit pedestrians and non-motorized vehicles on certain heavily traveled streets or highways. No person shall do any act in violation of such signs. (Ord. 83-07-14 § 20, 1983)

10.16.210 ANGLE PARKING-SIGNS AND MARKING.

The mayor or his designee shall determine upon what streets or highways angle parking shall be permitted and shall mark or sign such streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive on the left side of the roadway or where angle parking would create a hazard to passing traffic. (Ord. 83-07-14 § 21, 1983)

10.16.220 TRAFFIC CONTROL DEVICES-SPECIFICATIONS.

All traffic control signs, signals and devices shall, so far as is practical, conform to the "Manual of Uniform Traffic Control Devices for Streets and Highways." All signs and signals required hereunder for a particular purpose shall, so far as is practical, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices. (Ord. 83-07-14 § 22, 1983)

10.16.230 STOP SIGN-SPECIFICATIONS.

Every sign erected pursuant to this chapter shall be of hexagonal design and in conformance to the National Safety Council Standards and shall bear the word "STOP" in letters not less than eight inches in height and such signs shall at nighttime be rendered luminous by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practical at the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway and shall be placed on the right side of such street. (Ord. 83-07-14 § 23, 1983)

CHAPTER 10.20 - PARKING, STANDING AND STOPPING

10.20.010 RESTRICTIONS AND EXCEPTIONS - AUTHORITY.

The mayor or his/her designee is authorized to determine when and where parking, standing or stopping restrictions or exceptions enumerated in this section are required, or will contribute to the safe and orderly flow of traffic, or will contribute to the efficient use of public streets or public places or property; and to implement such restrictions or exceptions by causing signs to be erected:

A. To authorize parking on the left-hand side of certain one-way streets where such parking would otherwise be prohibited;

B. To prohibit parking or standing on the left-hand side of any one-way street. No person shall park or stand a vehicle in violation of such signs;

C. To prohibit parking upon any street or highway when the width of the roadway does not exceed twenty-four feet, or upon one side of a street or highway as indicated by such signs when the width of the roadway does not exceed thirty-six feet. No person shall park a vehicle in violation of such signs

D. To prohibit parking upon either or both sides of any street or highway adjacent to any school property when such parking would in his opinion, interfere with traffic or create a hazardous situation. No person shall park a vehicle in violation of such signs;

E. Limiting the length of time, a vehicle may occupy a parking space. No person shall park a vehicle in violation of such signs;

F. To prohibit parking, standing, or stopping of vehicles during certain hours of the day or night. No person may park, stand or stop a vehicle in violation of such signs;

G. To prohibit the parking of any of certain large vehicles such as trailers, travel homes, trucks, etc., on designated streets within the central business district between the hours of six a.m. and eight p.m. No person may park any such vehicle in violation of such signs;

H. To prohibit parking, standing or stopping where such would create an especially hazardous condition or would cause an unusual delay in traffic. No person may stop, stand or park a vehicle in violation of such signs. (Ord. 18-08-21-02; renumbering of prior section 10.20.070; Prior Ord. 84-03-22-01 § 14, 1984)

10.20.020 PARKING PROHIBITED:

A. No person shall park a vehicle upon a roadway for the purpose of:
   1. Commercial advertising;
   2. Displaying such vehicle for sale;
   3. Greasing or repairing such vehicle, not necessitated by an emergency;
   4. Washing such vehicle when the person so engaged is in the business of washing vehicles. (Ord. 84-03-22-01 § 3, 1984) (Prior Section 10.20.030 (a-d))

B. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places and no signs are required: (Prior Section 10.20.040 (a-c))
   1. Within ten feet of an intersection;
   2. Within fifteen feet of any fire hydrant;
   3. Within five feet of a crosswalk, except at an intersection where it shall be ten feet. (Prior Section 10.20.040 (a-c))

C. No person shall park any vehicle upon a street or highway, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of such roadway for the free movement of vehicular traffic (Prior Section 10.20.010)

D. No person may remove, obliterate, obscure, cover or move any chalk mark or other mark or indication placed by a police officer or parking enforcement officer upon a tire or any part of a vehicle which is parked in a public parking zone or space; provided such marks or objects may be moved or removed in the process of moving the vehicle from the parking space or after the vehicle has been moved from the space. (Prior Section 10.20.080 (a))

   1. A vehicle which has not moved from a parking space shall be deemed to have remained parked or standing in such space until moved. For the purpose of this chapter, a vehicle must vacate the space occupied and be driven completely through a street intersection before it shall be deemed to have been moved from the space. (Prior Section 10.20.080 (b))

   2. Each period or part of a period of time a vehicle remains parked or standing beyond that time permitted under this chapter or as posted shall constitute a separate violation, except that each separate day upon which such a continuing violation exist shall be separate violation if the period of permitted parking is twenty-four hours or greater. Only one citation may be issued during each period which constitutes a separate violation. (Prior Section 10.20.080 (c))

3. No overnight camping allowed on City property unless otherwise posted. (Prior Section 10.20.080 (d))
4. No person shall park a vehicle within an alley in the central business traffic district or any business district except for the expeditious loading or unloading of freight or materials and then the vehicle shall be parked in such manner or under such conditions as to leave available not less than ten feet of width of the alley for the free movement of vehicular traffic. (Prior Section 10.20.020)

E. No person shall leave a disabled or abandoned property on any public street, alley or road for more than forty-eight hours. (Prior Section 10.20.050 (a))(Ordinance 18-08-21-02)

10.20.030 OFF-STREET PARKING PLACE – TIME LIMITED PARKING/PERMIT PARKING

Definition. For the purpose of this section,

A. "Public parking spaces" include all city owned lands including roadways and rights-of-ways

B. "Private parking spaces" include both publicly and privately-owned off-street parking spaces which are reserved for the use of a specific individual or group of individuals or are otherwise restricted when such reservations or restrictions are posted.

C. "Time limited parking/permit parking" include both publicly and privately-owned off-street parking spaces which are reserved for the use of a specific individual or group of individuals or are otherwise restricted when such reservations or restrictions are posted.

D. Harbor Parking- Harbor Zone. Loading and unloading, except for the space designed for the harbormaster, handicapped, ATV vehicles or special use vehicles. (Ordinance 18-08-21-02 Ss; 1-4)

E. Harbor Parking. The parking of any vehicle, boat and/or trailer, motorcycle, RV or motor vehicle at the main harbor, boat launch, and Davidson Landing Harbor areas shall be for no longer than the posted time limits. (Ordinance 22-06-21-02)

F. Park and Sell – Permit Required. Permits are sold on a thirty-day period extendable for one additional thirty-day period. Park and Sell is designated to Shoreline Drive across from the Port. The permit shall be placed in such a position that it is easily viewed through the windshield. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.

G. Permit Parking - Permit parking is available only where posted. Monthly parking permits may be obtained at city hall. The permit shall be placed in such a position that it is easily viewed through the windshield, or attached in a secure manner to trailers, etc., as long as the permit is easily viewable by city personnel. All vehicles

with no visible way to identify the owner will be marked and impounded after two weeks.

H. Parking Permit Billings - All fee structures for Parking Permits will be set by resolution. Parking Permits will continue to be billed to the customer until the permit has been returned and written notification of removal is submitted to the City of Thorne Bay. The first month's permit fee shall be paid in advance at the time of application plus applicable deposit. If the subsequent invoice is not paid by the due date of the invoice, it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. The billing cycle for permit parking in these areas shall be from the first of each month to the first of the following month, to correspond to the city's billing cycle. (Ord. 22-06-21-02; Prior Ord. 18-08-21-02; Ord. 03-06-05-02 §3, 2003: Ord. 84-03-22-01 §13, 1984 Ord. 09-01-06-01 ~2009)(Ord. 15-09-01-01 SS: D) (Prior Section 10.20.060)

10.20.040 PARKING IN EXCESS OF POSTED TIME LIMIT – PERMIT PARKING.

A. No person in charge of a vehicle shall park or leave such vehicle in a parking space in the herein established parking lots in excess of the posted time limit.

B. Any owner or operator of a vehicle who parks or leaves such vehicle in a parking space in the herein established time limited parking/permit parking lots in excess of the time permitted is guilty of an infraction and will be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule. (Ordinance 18-08-21-02)

10.20.050 EMERGENCY, STREET MAINTENANCE AND SNOW REMOVAL VEHICLES-OBSTRUCTION PROHIBITED.

A. The mayor or his/her designee shall post signs on any streets where routine repairs are planned. These posted notices shall be in a prominent place and displayed at least eighteen hours before the work is to be performed. This section does not apply to emergency work that may, from time to time, become necessary on any public utility which is accessible from a street, alley or roadway and which work is required without time for planning and notification of the public. (Prior section 10.20.050 (d))

B. No person shall leave any vehicle parked on any public street, alley or road when snow removal or road maintenance activities are planned or are in progress. Any vehicle that is parked on a public street, alley or road shall be moved by the owner or the owner's representative within four hours after notification by the mayor or the mayor's designated representative.

C. In the event that the owner of a vehicle, which is parked on a public street, alley or road, is absent from his/her home, does not have a telephone, or lives in a place that is not

readily accessible to the mayor, his designee or street maintenance crews, shall notify the city clerk in advance of a person who is available to move such parked vehicle. (Ord. 18-08-21-02, (Part), Prior 84-03-22-01 §12, 1984)

10.20.060 OFF-STREET PARKING PLACE--REMOVAL OF UNAUTHORIZED VEHICLES.

A. Definition. For the purpose of this section, "private parking spaces" include both publicly and privately-owned off-street parking spaces which are reserved for the use of a specific individual or group of individuals or are otherwise restricted when such reservations or restrictions are posted.
B. Removal of Unauthorized Vehicles. The rightful owner, lessee or other person authorized to control or use an off-street private parking space may remove an unauthorized vehicle from an off-street private parking space by requesting a towing company authorized by the state of Alaska to conduct towing operations in the city.
C. The city shall not be liable for any towing, storage or other charges of for the acts of any person taken under the authority of this chapter. (Ord. 18-08-21-02; Prior Ord. 15-09-01-01 SS: D; Prior Ord. 09-01-06-01 ~2009; Ord. 03-06-05-02 §3, 2003: Ord. 84-03-22-01 §13, 1984)

10.20.070 REPEALED.

RENUMBERED AS SECTION 10.20.010 BY ORDINANCE 18-08-21-02.

10.20.080 VIOLATIONS-PENALTIES.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule. (Ordinance 18-08-21-02; Prior Ord. 18-01-02-01; Ord. 84-03-22-01 § 16, 1984)

1.16.035 MINOR OFFENSE FINE SCHEDULE.

In accordance with as 29.25.070(a), citations for the following offenses may be disposed of as provided in as 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by as 12.55.039 and as 29.25.074.

FINES MUST BE PAID TO THE COURT.

If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska court system's rules of minor offense procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of minor offense rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

1.16.035.0- FINE SCHEDULE FOR VIOLATIONS OF TBMC TITLE 10-VEHICLES AND TRAFFIC

Ordinance Number	Ordinance Description	Offense Appearance type:	Fine Schedule Amount	Maximum Fine for Mandatory
TBMC 10.20.020(a)(1)	Parking on Roadway Prohibited for Purpose of Commercial Advertising	Optional	$50.00	
TBMC 10.20.020(a)(2)	Parking on Roadway Prohibited for Purpose of Displaying "For Sale" Signs	Optional	$50.00	
TBMC 10.20.020(a)(3)	Parking on Roadway Prohibited for Non-Emergency Vehicle Greasing/Repairing	Optional	$50.00	
TBMC 10.20.020(a)(4)	Parking on Roadway Prohibited for Commercial Car Washing	Optional	$50.00	
TBMC 10.20.020(c)	Parking Prohibited - Obstructing Movement of Vehicular Traffic	Optional	$50.00	
TBMC 10.20.020(d)(3)	Parking Prohibited - Camping Prohibited	Optional	$50.00	
TBMC 10.20.020(d)(4)	Parking Prohibited - Parking in Loading/Unloading Zone Prohibited	Optional	$50.00	
TBMC 10.20.020(e)	Parking Prohibited - Disabled or Abandoned Vehicle Longer Than 48 Hours	Optional	$50.00	
TBMC 10.20.030(a)	Parking in Excess of Posted Time Limit-Harbor Parking Permit Required >12 hrs	Optional	$50.00	
TBMC 10.20.030(c)	Parking in Excess of Posted Time Limit-Park & Sell Permit Required	Optional	$50.00	
TBMC 10.20.040	Parking, Standing, Stopping - Parking in Excess of Posted Time Limit	Optional	$50.00	
TBMC 10.20.050(b)	Emergency, Street Maintenance and Snow Removal Vehicles-Obstruction	Optional	$100.00	

2019

TITLE 11 – RESERVED

Thorne Bay Municipal Code

2019

TITLE 12 - STREETS, SIDEWALKS & PUBLIC PLACES

THORNE BAY MUNICIPAL CODE
CODIFIED JULY 2019

TITLE 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

TABLE OF CONTENTS

CHAPTER 12.01 - STREET NAMING AND ADDRESSING 323

12.01.010 STREET NAMING AND ADDRESSING. 323
12.01.020 STREET NAMING. 323
12.01.030 STREET ADDRESSING. 323
12.01.040 VIOLATIONS AND PENALTIES. 324

CHAPTER 12.04 - CITY R.V. PARK – SECTIONS 325

12.04.010 PROCEDURES. 325
12.04.015 DESIGNATION OF R.V. PARK AREA. 325
12.04.020 RENTAL FEES AND AGREEMENTS. 325
12.04.030 OCCUPANCY DURATION. 325
12.04.040 EVICTION. 326
12.04.050 RENTER OBLIGATIONS. 326
12.04.060 CITY LIABILITY. 327
12.04.070 PARKING LIMITATIONS. 327
12.04.080 ANIMAL CONTROL. 327
12.04.090 ABANDONMENT OF PERSONAL PROPERTY. 327
12.04.100 CHILDREN. 327
12.04.110 SECURITY AND CLEANING DEPOSITS. 328
12.04.120 REGULATION COMPLIANCE. 328
12.04.130 VIOLATIONS AND PENALTIES. 328

CHAPTER 12.06 CITY PARKS AND RECREATION AREAS - 329

12.06.010 PURPOSE. 329
12.06.020 APPLICABILITY OF PROVISIONS. 329
12.06.030 DEFINITIONS. 329
12.06.040 PROHIBITED ACTS (A-I) 329
12.06.050 PROHIBITED ACTS-VEHICLES. 330
12.06.060 PROHIBITED ACTS-FIREARMS, WEAPONS. 330
12.06.070 IGNITABLE AND COMBUSTIBLE MATERIALS. 331
12.06.080 ALCOHOL AND CONTROLLED SUBSTANCES. 331
12.06.090 MISCELLANEOUS CONDUCT. 331
12.06.100 USER FEES. 331
12.06.110 CLOSING HOURS. 331
12.06.120 PERMITS. 332
12.06.130 ENFORCEMENT. 333

12.06.140 VIOLATIONS AND PENALTIES. 333
CHAPTER 12.08 - THORNE BAY BOAT RAMP - SECTIONS: 334
12.08.010 BOAT RAMP AND ACCESS TO BE CLEARED AND POSTED. 334
12.08.020 LAND ADJOINING BOAT RAMP--ACCESS TO BE CLEARED AND POSTED. 334
12.08.030 PARKING--STORAGE--PROHIBITED. 334
12.08.040 REPEALED. 334
12.08.060 OVERNIGHT CAMPING. 334
12.08.070 VIOLATIONS AND PENALTIES. 335
CHAPTER 12.09 STREETS AND ROADS COMMISSION 336
12.09.010 STREETS AND ROADS COMMISSION. 336
12.09.020 DUTIES AND RESPONSIBILITIES. 336

CHAPTER 12.01 - STREET NAMING AND ADDRESSING

12.01.010 STREET NAMING AND ADDRESSING.

A. A uniform system for naming and renaming of streets, roads and public ways within the city, and for numbering and addressing buildings and structures, is established.

B. The platting board shall be responsible for naming and renaming of streets and roads and for the method of address numbering of buildings and structures. Numbers shall be issued by the department of planning and zoning. The platting board may recommend to the council proposed standards, procedures and guidelines for such naming and renaming of streets and roads, and for numbering and addressing buildings and structures. (Ord. 91-06 § 4(part), 1991)

12.01.020 STREET NAMING.

The platting board, by resolution may, pursuant to and in conformity with the standards, procedures, and guidelines adopted by resolution of the commission, referred to in this chapter as "standards, procedures, and guidelines for naming streets and roads and for addressing," name, or change the name, of any existing or new street or road within the city after notice to the owners of record of property adjoining the street or road, and conducting a public hearing regarding the proposed name, or change of name. (Ord. 91-06 § 4(part), 1991)

12.01.030 STREET ADDRESSING.

A. The uniform system for address numbering of houses, buildings, mobile homes and other structures on all streets, roads, avenues, and public ways in the road system of the city.

B. Addressing shall conform to those certain numbering and addressing standards, procedures and guidelines entitled "standards, procedures, and guidelines for naming streets and roads and for addressing," adopted by resolution of the commission, and as from time to time amended by resolution, copies of which standards, procedures, and guidelines are on file in the office of the city clerk and in

the department of planning and zoning and are available for public inspection and copying.

C. The department of planning and zoning shall be responsible for the administration and maintenance of the city addressing system.

D. The owner, occupant, or person in charge of a house, building or structure shall, not later than sixty days after receipt of notice from the department of planning and zoning, affix addressing numbers assigned, and within such sixty-day period shall also remove any old numbers affixed to the entrance or other portion of such house or building which may be confused with the number assigned. (Ord. 91-06 § 4(part), 1991)

12.01.040 VIOLATIONS AND PENALTIES.

Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule if the fine is not listed in 1.16.035 then by the fine provided in 1.16.030. (Ordinance 18-09-18-02; Prior Ord. 91-06, § 4 (Part), 1991)

CHAPTER 12.04 - CITY R.V. PARK

12.04.010 PROCEDURES.

Persons wishing to rent an R.V. space from the city are required to file an application and pay, prior to occupancy of the space, the fees and security/cleaning deposit required. (Ord. 87-10 §1, 1987)

12.04.015 DESIGNATION OF R.V. PARK AREA.

The designated area of the Thorne Bay municipal R.V. park area shall be the area located on 1400 Sandy Beach Road or other areas that the city may designate as a municipal RV park site either on a temporary or permanent basis. (Ord. 03-12-04-01 §4(part), 2003: Ord. 01-10-08-01 §3, 2001)

12.04.020 RENTAL FEES AND AGREEMENTS.

The rental fees and agreement for the Thorne Bay R.V. Park shall be set forth in the most current rental fee schedule adopted and approved by resolution of the city council and incorporated herein by reference. The per-space security and cleaning deposit and one month’s rent is to be paid to the city prior to occupancy for renters renting on a month-to-month basis. (Ordinance 05-02-01-02)(Ord. 13-07-02-02)

12.04.030 OCCUPANCY DURATION.

The occupancy duration of the R.V. Park shall be as follows:

DAILY RENTERS:

From one to seven days' duration, depending on duration requested on renter's agreement. Extensions to the initial duration requested shall be on the basis of space availability and at the discretion of the city. Daily renters shall be required to hook up to City Utilities if the RV cannot be fully contained for a period of seven days.

WEEKLY RENTERS:

From one to four weeks' duration, depending on the duration requested on the renter's agreement. Extensions to the duration requested shall be on the basis of space availability and at the discretion of the city.

Weekly renters shall be required to hook up to City Utilities at the time of set up.

MONTHLY RENTER:

On a month-to-month basis, subject to a thirty-day written notice of termination by either the renter or the city.

The written notice shall be mailed via certified mail and postmarked at least thirty days prior to renewal date.

Monthly renters shall be required to hook up to City Utilities at time of set up.

Use of an RV space is limited to six consecutive months. A six-month extension may be approved by the City Council upon written request.

12.04.040 EVICTION.

City may evict renter from the R.V. Park for the following reasons:

A. Default in rental fee;
B. A conviction of violating a federal or state law or local ordinance, if that violation continues to the detriment of the health, safety or welfare of others;
C. Violation of AS 34.03, Uniform Residential Landlord and Tenant Act or of the rental agreement;
D. Failure to comply with Thorne Bay Municipal Code Section 12.06.050 - Renter Obligations (A-E);
E. More than one complaint within six months for disturbing the peace of neighboring City RV Park Renters. (Ordinance 18-09-18-02, (part) D & E)

12.04.050 RENTER OBLIGATIONS.

RENTERS ARE OBLIGATED TO:

A. Maintain rented premises clean and orderly;
B. Dispose of rubbish, garbage and other waste as directed;
C. Avoid deliberate or negligent destruction or damage to any property in the R.V. Park;
D. Respect the privacy, rights and privileges of neighbors;
E. Comply with directions or requests felt necessary by city. (Ord. 87-10 § 5, 1987)
F. Respect quiet hours of 10:00 PM to 7:00 AM;
G. Limit Vehicle Movement of 5 MPH. (Ordinance 18-09-18-02, (part) F & G)

12.04.060 CITY LIABILITY.

City shall be held harmless by renters from any liability for damage to personal property or personal injury due to fire, theft, and flood, an act of nature or animals, or actions of any renters of space in the R.V. Park.

12.04.070 PARKING LIMITATIONS.

A. Renter is limited to two vehicle parking space to the right of his/her R.V. vehicle. No other parking space in the R.V. Park shall be occupied by a vehicle or property of the renter. No parking is permitted on the roadway.
B. The size limitation for R.V. trailers parked in this area will be forty feet. The city shall exempt those trailers occupying the area prior to October 18, 2001, from the size limitations until such time when they vacate the area, then that trailer or other over forty feet shall not be allowed. All trailers must be occupied by the owners or winterized and secured and may not remain in the area unoccupied or rented to a second party, unless approved by the city council. Space includes one operable vehicle and one R.V. trailer.
C. No permanent or temporary storage building or containers allowed on site, except for enclosures to contain trash containers used for weekly city pick-up.
D. Temporary entry enclosures or roof covers may be allowed with City Council approval and deposit paid.

12.04.080 ANIMAL CONTROL.

All renters shall abide by Chapter 6.04 of this code, providing for the licensing, control and care of animals.

12.04.090 ABANDONMENT OF PERSONAL PROPERTY.

Any personal property left or abandoned by a renter will be disposed of in accordance with the law.

12.04.100 CHILDREN.

Monitoring (complete control) is required, due to the proximity of the bay and the road. (Ord. 87-10 § 10, 1987) (Ord. 01-10-08-01 § 4(part), 2001; Ord. 87-10 § 7, 1987)

12.04.110 SECURITY AND CLEANING DEPOSITS.

A. Security and cleaning deposits shall be paid to the City of Thorne Bay prior to occupying space at the City RV Park.

B. Security and cleaning deposit rate shall be set forth by the most current resolution adopted by the City Council. (Ord. 01-10-08-01 § 4(part), 2001: Ord. 89-14 § 4(part), 1989; Ord. 87-10 § 11, 1987; Ord: 16-06-07-01)

12.04.120 REGULATION COMPLIANCE.

Renters will abide by all local, state and federal regulations including quiet hours of 10 pm to 7 am and speed limit of 5 mph. (Ord. 18-09-18-02; Prior Ord. 87-10 § 12, 1987)

12.04.130 VIOLATIONS AND PENALTIES.

Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule if the fine is not listed in 1.16.035 then by the fine provided in 1.16.030. (Ord. 18-09-18-02, part-section .130)

CHAPTER 12.06 CITY PARKS AND RECREATION AREAS

12.06.010 PURPOSE.

The purpose of this chapter is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the city. (Ord. 96-01 § 4(part), 1996)

12.06.020 APPLICABILITY OF PROVISIONS.

Unless expressly exempted, the provisions of this title shall apply to all parks and recreation areas under the jurisdiction of the city, including those parks and recreation areas under the city's jurisdiction pursuant to Title 1, Chapter 1.14 of this code. (Ord. 96-01 § 4(part), 1996)

12.06.030 DEFINITIONS.

Interpretation of words not listed: when a word or term is not specifically stated, the city shall have authority to interpret the meaning based on the most appropriate dictionary definition.

"Chief executive officer" means the mayor of the city of Thorne Bay.

"Park attendant" means any person employed by the city who performs duties or tasks within the park and recreation areas.

"Permit" means any written license issued by or under the authority of the city permitting a special event or activity on park or recreation area facilities.

"Restraint" means any animal secured by a leash, lead or cage and under the control of a responsible person and obedient to that person's commands.

"Vehicle" means any conveyance (except baby carriages or strollers) including motor vehicles, motorcycles, three or four wheeled ATV's, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power. (Ord. 96-01 § 4(part), 1996)

12.06.040 PROHIBITED ACTS (A-I)

It is unlawful for any person in a public park or recreation area to:

A. Mark, deface, disfigure, injure, tamper with or displace or remove any plants, trees, buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other' boundary

markers or other structures or equipment, facilities or park property, either real or personal. (ord. 96-01 § 4(part), 1996)

B. Drive or park any vehicle on any area except designated park roads or parking areas, or such areas as may on occasion be specifically designated for use by vehicular traffic on a temporary basis. This provision does not apply to park attendants or maintenance personnel or other authorized individuals who may be performing construction or maintenance services for the park or recreation area or to law enforcement, emergency medical, or fire department vehicles. (Ord. 96-01 § 4(part), 1996)

C. It is unlawful for any minor child to bring into or have in his possession in any park or recreation area any firearm, including but not limited to pistol, revolver, rifle, shotgun, bb gun, air gun, spring gun, slingshot, bow or other weapon. Official starters, at authorized track and field events, are accepted from this restriction. (Ord. 96-01 § 4(part), 1996)

D. No person shall bring alcoholic beverages, or controlled dangerous substances, drink or use the same at any time

E. Camp or stay overnight anywhere except in areas designated for that purpose;

F. Enter an area posted as "closed to the public";

G. Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;

H. Fail to produce and exhibit any permit he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule;

I. Disturb or interfere unreasonably with any person or party occupying any area or participating in any allowable activity or activity under the authority of a permit. (Ord. 18-09-18-02; Prior Ord. 96-01 § 4(PART), 1996)(Ord. 18-09-18-02)

12.06.050 PROHIBITED ACTS-VEHICLES.

(RENUMBERED AS 12.06.040 PER ORDINANCE 18-09-18-02. (ORD. 96-01 § 4(PART), 1996)

12.06.060 PROHIBITED ACTS-FIREARMS, WEAPONS.

(RENUMBERED AS 12.06.040 PER ORDINANCE 18-09-18-02. (ORD. 96-01 § 4(PART), 1996))

12.06.070 IGNITABLE AND COMBUSTIBLE MATERIALS.

No person shall kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is fully extinguished. (Ord. 96-01 § 4(part), 1996)

12.06.080 ALCOHOL AND CONTROLLED SUBSTANCES.

While in a Public Park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall bring alcoholic beverages, or controlled dangerous substances, drink or use the same at any time. Alcohol consumption by persons of legal age may be allowed with the permit to rent the Bay Chalet or other recreational facility when included within the permit (rental) application. (Ord. 13-07-02-01) (Ord. 96-01 § 4(part), 1996)

12.06.090 MISCELLANEOUS CONDUCT.

RENUMBERED AS SECTION 12.06.040, PER ORDINANCE 18-09-18-02.

12.06.100 USER FEES.

A. User fees to be charged for certain park and recreation services and facilities shall be as set forth in the most current rate schedule adopted and approved by resolution of the city council and incorporated herein by reference.

B. Use of any park or recreation facility for which a fee is specified in this chapter without paying the fee, is strictly prohibited unless the fee is allowed to be waived and has been waived by the chief executive officer. (Ordinance 18-09-18-02; Prior Ord. 96-01 § 4(part), 1996)

12.06.110 CLOSING HOURS.

Except for designated camping areas, no person shall be in any park or recreation area during the hours the park or recreation is closed. The city council is authorized to set and designate park and recreation area closed hours. In the case of emergency, the VPSO may order any portion of a park or recreation area closed to the public if the public interest so requires. (Ord. 96-01 § 4(part), 1996)

12.06.120 PERMITS.

Permits to conduct an activity in parks and recreation areas otherwise prohibited above shall be obtained by application to the chief executive officer or his designee in accordance with the following procedure:

A. A person seeking issuance of a permit hereunder shall file an application state the name and address of the applicant, the name and address of the person, persons, corporation or association sponsoring the activity, (if any), the day and hours for which the permit is desired, the park or portion thereof for which the permit is desired, any other information reasonably necessary to a determination as to whether a permit should be issued hereunder, and identify park rule(s) and regulation(s) the activity would violate if a permit allowing the same were not issued.

B. Standards for issuance of a permit shall include the following findings:

   (1) that the proposed activity or use of the park or recreation area will not unreasonably interfere with or detract from the general public's enjoyment of the park;

   (2) that the proposed activity and uses that are reasonably anticipated will not include violence, criminal or disorderly conduct;

   (3) that the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

   (4) that the proposed activity or use will not entail extraordinary or burdensome expense or law enforcement operation by the city; and

   (5) that the facilities desired have not been reserved for other use on the date and hour requested in the application.

C. Within ten days after the receipt of an application, the chief executive officer or his designee shall tell an applicant in writing of his decision to grant or deny a permit; in the event of a denial the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the city council by service of written notice thereof on the city clerk within five working days of said refusal. A copy of said notice shall also be served on the chief executive officer and the chief executive officer shall immediately forward the application and the reasons for its refusal to the city council. The city council shall decide within ten days from the receipt of the appeal by the city clerk, or at its first meeting after the appeal, whichever is later. The decision of the city council shall be final.

D. A permittee shall be bound by all park or recreation area rules and regulations not specifically modified by the permit, and all applicable ordinances fully as though the same were inserted in said permit.

E. An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the chief executive officer prior to the commencement of any activity or issuance of any permit.

F. The chief executive officer shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown. (Ord. 96-01 § 4(part), 1996)

12.06.130 ENFORCEMENT.

A. The city law enforcement department, chief executive officer and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

B. The city law enforcement department, chief executive officer, and any park attendant shall have the authority to order any person or persons acting in violation of this chapter to leave the park or recreation area.

C. The City Law Enforcement Department, Chief Executive Officer, City Administrator and Park Attendants have the authority to issue citations to any person found violating the provisions of this title. (Ordinance 18-09-18-02; Prior Ord. 96-01 § 4(part), 1996)

12.06.140 VIOLATIONS AND PENALTIES.

A. Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule if the fine is not listed in 1.16.035 then by the fine provided in 1.16.030

B. If a violation continues, each day's violation shall be deemed as a separate violation. (Ordinance 18-09-18-02; Prior Ord. 96-01 §4(part), 1996)

CHAPTER 12.08 - THORNE BAY BOAT RAMP

12.08.010 BOAT RAMP AND ACCESS TO BE CLEARED AND POSTED.

All personal property shall be removed from the boat launching slope (known as the boat ramp) and its access from the highway. The owners of this personal property shall be responsible for its removal within ten days from the effective date of the ordinance codified in this chapter. On the ordinance effective date, a public notice to this effect shall be posted on this land. Each item of personal property remaining on this land after the ten days has elapsed will incur a storage fee of one dollar per day, payable biweekly, minimum charge ten dollars. (Ord. 86-07-10-01 §1, 1986)

12.08.020 LAND ADJOINING BOAT RAMP--ACCESS TO BE CLEARED AND POSTED.

All personal property shall be re-moved from Tract C of ASLS 82-139 to the boat ramp access. The owners of this personal property shall be responsible for its removal within ten days from the effective date of the ordinance codified in this chapter. On the ordinance effective date, a public notice to this effect shall be posted on this land. Each item of personal property remaining on this land after the ten days have elapsed will incur a storage fee of one dollar per day, payable biweekly, minimum charge ten dollars. (Ord. 86-07-10-01 §2, 1986)

12.08.030 PARKING--STORAGE--PROHIBITED.

There shall be no parking and no storage on the boat ramp or its access from the highway or the water. Parking will be temporarily permitted when required for launching, landing, loading or unloading. (Ord. 88-03 (part), 1988: Ord. 86-07-10-01 §3, 1986)

12.08.040 REPEALED.

(Ord. 18-09-18-02; Prior Ord. 03-06-05-03 §3(part), 2003)

12.08.060 OVERNIGHT CAMPING.

No overnight camping at any time. (Ord. 86-07-10-01 §7, 1986)

12.08.070 VIOLATIONS AND PENALTIES.

A. Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030

B. If a violation continues, each day's violation shall be deemed as a separate violation. (Ordinance 18-09-18-02)

CHAPTER 12.09 STREETS AND ROADS COMMISSION

12.09.010 STREETS AND ROADS COMMISSION.

There is established the streets and roads commission for the city to assist and advise the city with respect to streets and roads maintenance and improvement projects. Chapter 2.42, "Committees, Boards, and Commissions" provides for the establishment and operation of Committees, Boards, and Commissions. Unless stated otherwise in Section 12.09.010 the establishment and operation of the Streets and Roads Commission shall comply with Chapter 2.42. The streets and roads commission shall consist of members from the community and the number of commission members shall be:

- . two (2) from the South Thorne Bay Subdivision,
- . two (2) from North Thorne Bay,
- . one (1) from the Goose Creek Subdivision,
- . one (1) from Greentree Heights Subdivision, and one
- . (1) at large,

all of whom shall be property owners within their respective areas. Members shall be appointed by the chief administrative officer and confirmed by the council.

Commission members shall elect a chairperson from members subject to confirmation by the council, to conduct the affairs of the commission.

In the event that a streets and roads commission is not appointed, the Planning Commission or City Council (in the absence of a Planning Commission) will perform the duties of the streets and roads commission. (Ordinance 19-07-16-02)

12.09.020 DUTIES AND RESPONSIBILITIES.

Duties and responsibilities of the streets and roads commission are to develop and prepare a priority program for the maintenance, repair, construction and funding of roadways within the City of Thorne Bay. The priority program shall address but not be limited to vehicle and pedestrian safety, present and future uses, road classification, right of way and roadway ownership, parking and economic impacts to the local business, residents and city in general. Recommendations should be based on sound engineering practices using local, state and federal guidelines for streets and roads.

2021

TITLE 13 – UTILITIES

THORNE BAY MUNICIPAL CODE
CODIFIED DEC 2021

TITLE 13 – UTILITIES

CHAPTER - 13.02 APPLICATION FOR SERVICES: 344

13.02.010 APPLICATION FORM. 344
13.02.020 APPLICATION AMENDMENTS. 344
13.02.025 CHANGE OF APPLICANT NAME AND BILLING ADDRESS. 344
13.02.030 ACCOUNT DEPOSITS AND ESTABLISHMENT OF CREDIT. 345
13.02.040 FORFEITURE OF DEPOSITS. 345

CHAPTER 13.03-DELINQUENT ACCOUNTS & SECURING COLLECTION OF DEBTS 346

13.03.010 ACCOUNTS CONSIDERED DELINQUENT. 346
13.03.020 DELINQUENCY NOTICE. 346
13.03.030 TERMINATION NOTICE. 346
13.03.040 TERMINATION OF SERVICE. 346
13.03.050 LIENS & COLLECTION. 346

CHAPTER 13.04 - SEWER – GENERAL PROVISIONS 348

13.04.010 DEFINITIONS. 348
13.04.20 EXTENSIONS OF SERVICE. 348
13.04.030 DESCRIPTION OF SERVICE. 348
13.04.040 NON-LIABILITY OF CITY. 348
13.04.050 OWNERSHIP OF SYSTEM. 348
13.04.060 SEWAGE TREATMENT PLANT. 348
13.04.145 STUB OUT – UNPLUMBED: 349

CHAPTER 13.08 - COLLECTION SYSTEM 350

13.08.010 COMPOSITION. 350
13.08.020 INTERCEPTORS DEFINED. 350
13.08.030 INTERCEPTORS-WITHIN CITY LIMITS. 350
13.08.040 INTERCEPTORS-OUTSIDE CITY LIMITS. 350
13.08.050 LOCATION OF INTERCEPTOR EXTENSION. 350
13.08.060 CUSTOMER SERVICE LINES DEFINED. 350
13.08.070 OWNERSHIP OF CUSTOMER SERVICE LINE. 351
13.08.080 SIZE OF CUSTOMER SERVICE LINE. 351
13.08.090 CHANGES IN SIZE OF CUSTOMER SERVICE LINE. 351
13.08.100 JOINT SERVICE CONNECTIONS. 351
13.08.110 NUMBER OF SERVICE LINES. 351
13.08.120 CONSTRUCTION COSTS. 351
13.08.130 CUSTOMER'S PLUMBING. 352

13.08.140 REQUIRED CONNECTIONS. 352

CHAPTER 13.14 - SEWAGE SERVICE RATES 353

13.14.005 APPLICATION FOR SEWER SERVICES 353
13.14.010 SEWAGE SERVICE RATES. 353
13.14.020 CHARGES PLACED ON BILL. 353
13.14.030 PAYMENT OF BILLS. 353
13.14.040 COLLECTION OF DELINQUENT ACCOUNTS. 353
13.14.050 DELINQUENCY NOTICE. 353
13.14.060 TERMINATION NOTICE. 354
13.14.070 TERMINATION OF SERVICE. 354
13.14.080 TEMPORARY DISCONTINUANCE OF SERVICE. 354

CHAPTER 13.20 - PROHIBITED ACTS 355

13.20.010 DESIGNATED. 355
13.20.020 PROHIBITED CONNECTIONS. 355
13.20.030 CONNECTIONS MADE WITHOUT PERMIT. 355
13.20.040 INTERFERENCE AND TAMPERING. 356
13.20.050 PENALTY FOR VIOLATION. 356

CHAPTER 13.24 - MISCELLANEOUS PROVISIONS 357

13.24.010 ACCESS TO PROPERTY. 357
13.24.020 SUSPENSION OF RULES. 357
13.24.030 EASEMENT. 357

CHAPTER 13.28 - WATER - GENERAL PROVISIONS 358

13.28.010 DEFINITIONS. 358
13.28.020 SERVICE AREA. 358
13.28.030 SUPPLY. 358
13.28.040 QUALITY. 358
13.28.050 OWNERSHIP OF SYSTEM. 358
13.28.060 CLASSES OF SERVICE. 359
13.28.070 RESIDENTIAL SERVICE. 359
13.28.080 COMMERCIAL SERVICE. 359
13.28.090 STANDBY FIRE SERVICES. 359
13.28.095 UNIMPROVED OR DISCONTINUED. 359
13.28.100 CONTRACT SERVICES. 359
13.28.110 SPECIAL CONTRACTS. 360
13.28.120 RESALE OF WATER. 360

13.28.130 SERVICE PREFERENCE. 360

cHAPTER 13.32 361

CHAPTER 13.36 - WATER MAIN EXTENSIONS 361

13.36.010 WITHIN CITY LIMITS. 361
13.36.020 OUTSIDE CITY LIMITS. 361
13.36.030 LOCATION OF EXTENSIONS. 361

CHAPTER 13.40 - SERVICE REGULATIONS 362

13.40.010 DEFINITION. 362
13.40.020 SERVICE CONNECTION CHARGE. 362
13.40.030 SIZE OF SERVICE. 362
13.40.040 CHANGES IN SERVICE SIZE. 362
13.40.050 JOINT SERVICE CONNECTIONS. 362
13.40.060 NUMBER OF SERVICE CONNECTIONS ON PREMISES. 363
13.40.070 STANDBY FIRE PROTECTION SERVICE CONNECTIONS – PURPOSE. 363
13.40.080 STANDBY FIRE PROTECTION SERVICE CONNECTIONS – CHARGES FOR SERVICE. 363
13.40.090 STANDBY FIRE PROTECTION SERVICE CONNECTIONS VIOLATIONS OF REGULATIONS. 363
13.40.100 FIRE SERVICE CONNECTIONS OTHER THAN STANDBY. 363
13.40.110 TEMPORARY SERVICE CONNECTIONS. 364
13.40.120 TEMPORARY SERVICE CONNECTION – TIME LIMIT. 364
13.40.130 TEMPORARY SERVICE CONNECTION – CHARGE FOR WATER SERVED. 364
13.40.140 TEMPORARY SERVICE CONNECTION – INSTALLATION CHARGE AND DEPOSITS. 364
13.40.130 TEMPORARY SERVICE CONNECTION – RESPONSIBILITY FOR METERS AND INSTALLATION. 364
13.40.160 CUSTOMER'S PLUMBING – PLUMBING CODE. 365
13.40.170 CUSTOMER'S PLUMBING – CONTROL VALVES. 365

CHAPTER 13.44 - WATER METERS 366

13.44.010 OWNERSHIP. 366
13.44.020 INSTALLATION. 366
13.44.030 SIZE AND TYPE. 366
13.44.040 LOCATION. 366
13.44.050 JOINT USE. 366
13.44.060 CHANGES IN SIZE OR LOCATION. 366
13.44.070 LOCATION DETERMINATION. 367

13.44.080 METER ACCURACY. 367
13.44.090 STANDARD TEST. 367
13.44.100 TEST ON CUSTOMER REQUEST. 367
13.44.110 TEST ON DEPARTMENT REQUEST. 367
13.44.120 CREDITS OR DEBITS. 368
13.44.130 NON-REGISTERED METERS. 368
13.44.140 METER INSTALLATION MANDATORY. 368

CHAPTER 13.48 - WATER RATES 369

13.48.010 WATER SERVICE RATES. 369
13.48.020 NOTICES TO CUSTOMERS. 369
13.48.030 NOTICES FROM CUSTOMERS. 369
13.48.040 METER READINGS. 369
13.48.050 RECORDS. 369
13.48.060 MAILING BILLS. 369
13.48.070 PAYMENT OF BILLS. 370
13.48.080 DELINQUENCY NOTICE. 370
13.48.090 TERMINATION NOTICE. 370
13.48.100 TERMINATION OF SERVICE. 370
13.48.110 DISCONNECT/RECONNECT CHARGE. 370

CHAPTER 13.52 - DISCONTINUANCE OF WATER SERVICE 371

13.52.010 TEMPORARY DISCONTINUANCE OF SERVICE. 371
13.52.020 NONPAYMENT OF BILLS. 371
13.52.030 UNSAFE FACILITIES. 371
13.52.040 CROSS CONNECTIONS. 371
13.52.050 WATER WASTE. 371
13.52.060 SERVICE DETRIMENTAL TO OTHERS. 372
13.52.070 FRAUD OR ABUSE. 372
13.52.080 UNAUTHORIZED TURN-ON. 372
13.52.090 NONCOMPLIANCE WITH REGULATION. 372

CHAPTER 13.56 - RESPONSIBILITY FOR WATER EQUIPMENT 373

13.56.010 RESPONSIBILITY FOR CUSTOMER EQUIPMENT. 373
13.56.020 RESPONSIBILITY FOR DEPARTMENT EQUIPMENT. 373
13.56.030 DAMAGE TO DEPARTMENT EQUIPMENT. 373

CHAPTER 13.60 - FIRE HYDRANTS 374

13.60.010 OPERATION. 374
13.60.020 MOVING A FIRE HYDRANT. 374

CHAPTER 13.64 WATER SERVICE – MISCELLANEOUS PROVISIONS 375
13.64.010 RESTORATION OF SERVICE. 375
13.64.020 UNUSUAL DEMANDS. 375
13.64.030 ACCESS TO PROPERTY. 375
13.64.040 SUSPENSION OF RULES. 375
13.64.050 EASEMENT. 375
CHAPTER 13.68 - SERVICE-PENALTIES 376
13.68.010 VIOLATIONS AND PENALTIES 376
CHAPTER 13.70 - SOLID WASTE 377
13.70.010 DEFINITIONS. 377
13.70.020 AUTHORITY TO ESTABLISH AND TO OPERATE A SOLID WASTE UTILITY SERVICE. 377
13.70.030 PARTICIPATION IN SOLID WASTE SERVICE REQUIRED. 377
13.70.040 DESCRIPTION OF SERVICE. 377
13.70.050 NO LIABILITY OF CITY. 377
13.70.060 CLASSES OF SERVICE. 377
13.70.070 RESIDENTIAL SERVICE. 378
13.70.080 COMMERCIAL SERVICE. 378
13.70.090 CONTRACT SERVICE. 378
13.70.100 SPECIAL CONTRACTS. 378
13.70.110 APPLICATION FOR SERVICE. 378
13.70.120 REPEALED 378
13.70.130 REPEALED 378
13.70.140 REPEALED 379
3.70.150 SOLID WASTE RATE SCHEDULE. 379
13.70.160 APPLICATION AMENDMENTS. 379
13.70.170 CUSTOMER REQUIREMENTS. 379
13.70.172 ALUMINUM SEGREGATION. 379
13.70.174 ASH DISPOSAL. 380
13.70.176 SPECIAL WASTE. 380
13.70.180 ACCESS TO LANDFILL. 380
13.70.182 PROHIBITED SUBSTANCES. 380
13.70.186 UNAUTHORIZED USE OF COLLECTION CONTAINERS, TRASH RECEPTACLES, AND DUMPSTERS. 381
13.70.190 NOTICES TO CUSTOMERS. 381
13.70.200 NOTICES FROM CUSTOMER. 381
13.70.210 ACCOUNTING RECORDS. 381

13.70.220 BILLING PERIOD. 381
13.70.230 BILLS-SEPARATE REQUIRED-EXCEPTION. 381
13.70.240 BILLS-DISPUTES. 382
13.70.250 BILLS-PAYMENT BY DUE DATE. 382
13.70.260 BILLS-DISCONTINUANCE-DELINQUENCY NOTICE FOR DELINQUENCIES. 382
13.70.270 SERVICE DISCONTINUANCE FOR DELINQUENT ACCOUNTS-METHOD. 382
13.70.280 INSTALLMENT PAYMENTS FOR DELINQUENT ACCOUNTS. 383
13.70.290 DISCONTINUANCE OF SERVICE-CUSTOMER REQUEST. 383
13.70.300 TEMPORARY DISCONTINUANCE OF SERVICE-CUSTOMER REQUEST. 383
13.70.310 CHANGE OF APPLICANT NAME AND BILLING ADDRESS. 383
13.70.320 DISCONTINUANCE OF SERVICE-FRAUD OR ABUSE. 383
13.70.330 DISCONTINUANCE OF SERVICE-NONCOMPLIANCE WITH REGULATIONS. 384
13.70.340 SERVICE RESTORATION. 384
13.70.350 NON-LIABILITY OF CITY FOR DAMAGES. 384
13.70.360 EQUIPMENT REMAINS CITY PROPERTY-ACCESS. 384
13.70.370 PROTECTION FROM DAMAGE. 384
13.70.380 CUSTOMER RESPONSIBILITY FOR DAMAGE TO CITY EQUIPMENT. 385
13.70.390 AUTHORITY TO ENTER INTO CONTRACTS-TERMS. 385
13.70.400 VIOLATIONS AND PENALTIES. 385

CHAPTER - 13.02 APPLICATION FOR SERVICES:

13.02.010 APPLICATION FORM.

Each applicant for municipal services shall sign an application form provided by the city clerk giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings and such other information as the department may reasonably require. In signing the application, the customer agrees to abide by the laws and ordinances for the service requested. The application is a request for service and does not bind the city to furnish service. If the application is properly completed and the connection fee plus estimated costs of any construction to be done by the city have been paid, the clerk shall issue a work order for the activation of services to the department. (Ordinance 18-10-08-01)

13.02.020 APPLICATION AMENDMENTS.

A. Customers desiring a material change in the size, character or extent of equipment or operation, shall give the department written notice of such change prior to the change and the application for service shall be amended.
B. Customers desiring a change in the size, location or number of services shall fill out an amended application. (Ordinance 18-10-08-01)

13.02.025 CHANGE OF APPLICANT NAME AND BILLING ADDRESS.

When an owner of customer's premises requests in writing that service be changed from the name of the customer into the owner's name only and that the billing address be changed to the owner's address, and provided that customer and owner are not in violation of any of the provisions of this chapter, such request shall be honored by the city upon city's receipt of a ten-dollar service charge per utility to perform such change. (Ord. 21-11-16-02)

13.02.030 ACCOUNT DEPOSITS AND ESTABLISHMENT OF CREDIT.

A person requesting services from the city of Thorne Bay will be required to deposit a sum of money equal to the estimated amount for two months billing for the service requested to guarantee payment for any indebtedness resulting from the furnished service. The total deposit amount any customer will be required to pay will shall not exceed the maximum deposit requirement as set forth by resolution. At the time the deposit is given, the applicant will be given receipt for the same. The deposit is not to be considered as a payment on account. (Ordinance 18-12-04-02; Prior Ordinance 18-10-08-01)

A. EXCEPTION FOR DEPOSIT REQUIREMENT:

1. A deposit will not be required of any person who:
    i. Has had municipal services continually for a period of two years; and
    ii. The service has not been forced to disconnect for reasons of delinquency in payment of charges; and
    iii. The customer has not been delinquent in payment more than once in any 12 consecutive months.
    iv. For all customers established after 2016; who have a minimum deposit on file of $200.00.

B. DEPOSIT REFUNDS:

1. Deposits are not refunded until the customer has ceased purchasing services from the municipality
2. Any deposit remaining after the customer has ceased purchasing the service from the municipality, will be refunded to a customer in the next billing cycle if the customer has paid all accrued municipal bills. (Ordinance 18-10-08-01)

13.02.040 FORFEITURE OF DEPOSITS.

If an account becomes delinquent, and it is necessary to terminate the service, the deposit shall be applied to the unpaid balance due. Service shall not be restored to those premises or that customer at different premises until all outstanding bills due the city from the customer have been paid and the cash deposit is replaced. (Ordinance 18-10-08-01)

CHAPTER 13.03-DELINQUENT ACCOUNTS & SECURING COLLECTION OF DEBTS

13.03.010 ACCOUNTS CONSIDERED DELINQUENT.

Utility bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of 0.875% (percent) each month until paid in full. (Ordinance 19-05-07-01)

13.03.020 DELINQUENCY NOTICE.

The clerk's office may, but shall not be required to, send a notice of delinquent account ten days after the account becomes delinquent. (Ordinance 19-05-07-01)

13.03.030 TERMINATION NOTICE.

Within fifteen days after an account becomes delinquent, a notice of termination of service shall be sent to the customer. The notice shall state a date on, or which water will be turned off if the delinquent account is not paid in full prior thereto. Such date shall not be less than five or more than fifteen days from the date of notice. A delivery to the premises receiving utility services or mailing to the address of record of the customer shall be considered a delivery to the customer. (Ordinance 19-05-07-01)

13.03.040 TERMINATION OF SERVICE.

An agent of the city shall terminate services on the date so specified in the notice of termination of service unless the account is paid in full. (Ordinance 19-05-07-01)

13.03.050 LIENS & COLLECTION.

The city may use all legal means and pursue all legal remedies to collect unpaid utility service fees and charges. (Ordinance 19-05-07-01)

a. Upon any delinquency, all rates, fees, charges, assessments, penalties, and interest due and owing under this title shall constitute a lien of the city upon the personal property of person who requested service. (Ordinance 19-05-07-01)

b. The city may create, record, and provide notice of a lien to secure payment of past due utility rates, fees, charges, assessments, penalties, and interest as described in this section. A lien may be recorded by the city in the Ketchikan Recorder's District, recording district 102, in the first judicial district, and in the State Recorder's Office UCC Central File System, as applicable; however, failure to so record said interests shall not be construed as a waiver or abrogation of any and all priorities, rights and interests of the city at law and in equity. (Ordinance 19-05-07-01)

c. Upon full satisfaction of payment of all fees, charges, interest, penalties, and costs for recording a notice of lien and discharge of lien, due and owing to the city, the city shall record a certificate discharging the lien. (Ordinance 19-05-07-01)

d. In an action to enforce a lien, the court shall allow as part of the costs all money paid for drawing the lien and for filing and recording the lien claim and discharge of lien, and a reasonable attorney fee for the foreclosure of the lien. (Ordinance 19-05-07-01)

e. The remedy provided in this section is not exclusive and shall be in addition to all other remedies available to the city to collect past due utility fees and charges owed under this chapter. (Ordinance 19-05-07-01)

CHAPTER 13.04 - SEWER – GENERAL PROVISIONS

13.04.010 DEFINITIONS.

For purposes of this chapter and Chapters 13.08 through 13.24:

A. "Applicant" means the person, persons, firm, association, or corporation making application to the department for sanitary sewer service under the terms of this chapter. For Statutory provisions regarding municipally owned utilities, see AS § 29.48.030(2) and Chapters 13.08 through 13.24;
B. "Customer" means any person, firm, association or corporation which uses the sanitary sewer service of the city.

13.04.20 EXTENSIONS OF SERVICE.

The sewer system of the city shall be extended to such areas in and outside of the city limits at the city council from time to time determines.

13.04.030 DESCRIPTION OF SERVICE.

Sewer service shall be provided by the public works department (the department), which will exercise reasonable diligence to insure the uninterrupted operation of the system.

13.04.040 NON-LIABILITY OF CITY.

The city shall not be liable for damages resulting from interruption in service or lack of service. Suspension of service by the department for improvements and repairs will from time to time be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to the suspension of service by notice through postings and newspaper.

13.04.050 OWNERSHIP OF SYSTEM.

All interceptors, pumps stations, valves, fittings, outfall pipes, lift and force mains, aeration equipment, inlet and outfall facilities, and other appurtenances, except "customer service lines" as defined in Section 13.08.060 shall be the property of the city. (Ord. 88-48, ss5 (part), 1988)

13.04.060 SEWAGE TREATMENT PLANT.

The city shall construct, own, and maintain a facility to be used for the treatment of effluent deposited in the sanitary sewer collection system.

13.04.145 STUB OUT – UNPLUMBED:

All unimproved lots on the water and sewer line will be charged a monthly service availability fee, according to the current rate schedule, to help offset the cost of operating and maintaining the water and sewer system. No unimproved lots will be allowed to connect to the system until all fees are paid. This amount may include interest and penalties on delinquent accounts. Any change of ownership is the customer's responsibility to disclose any amount owed on the lot to the new owner. (Ordinance 18-10-08-01 ss Part)

CHAPTER 13.08 - COLLECTION SYSTEM

13.08.010 COMPOSITION.

The collection system shall consist of all pump stations, interceptors, customer service lines, valves, fittings, and other appurtenances used for the collection and transmission of effluent to the sewage treatment plant.

13.08.020 INTERCEPTORS DEFINED.

Interceptors are the pipes of relatively large diameter which are connected to and used for the collection of effluent from the customer service lines and its delivery to the sewage treatment plant.

13.08.030 INTERCEPTORS-WITHIN CITY LIMITS.

Sanitary sewer interceptor extensions to areas with the city limits not presently served by the existing sewage system shall be installed only after authorization by the city council.

13.08.040 INTERCEPTORS-OUTSIDE CITY LIMITS.

Sanitary sewer interceptor extensions outside the city limits shall be extended only at the expense of the customers served. The extensions shall become the property of the city at the time installed. The city council shall determine the specifications of the extensions, which shall be made of suitable material approved by the council. Extensions outside the city limits shall be installed by the department or by the customers to be served thereby in accordance with plans and specifications approved by the city council and pursuant to agreements between the customers to be served and the city.

13.08.050 LOCATION OF INTERCEPTOR EXTENSION.

The department will make sanitary sewer interceptor extensions only in areas over which it holds rights-of-way, easements or title.

Easements or permits secured for extensions shall be obtained in the name of the city together with all rights and title to the extension at the time of installation.

13.08.060 CUSTOMER SERVICE LINES DEFINED.

The “customer service line” of any customer shall be that part of the system, which is situated on the customer’s property or other private property over which he has control.

13.08.070 OWNERSHIP OF CUSTOMER SERVICE LINE.

The customer shall own, install and maintain the customer service line. (Ord. 89-23 ss5 (part), 1989: Ord. 88-45 ss5 (part), 1988)

13.08.080 SIZE OF CUSTOMER SERVICE LINE.

The department will furnish and install a customer service line at the customer's expense, of such size and at such locations as the applicant requests, provided such requests are reasonable, an interceptor is available for connection and the size requested is one that is approved by the department. The minimum inside diameter of a Residential customer service line shall be four inches and of any other customer, six inches. The department may refuse to install a customer service line, which is undersized or oversized as determined by the City Administrator.

13.08.090 CHANGES IN SIZE OF CUSTOMER SERVICE LINE.

Permanent changes in the size of the customer service line requested by the customer shall be paid for by the customer on the basis of actual cost to the department for making the change.

13.08.100 JOINT SERVICE CONNECTIONS.

The department may, at its option, serve two or more premises with one connection to the interceptor. In such case, the inside diameter of the joint customer service lines shall be of a size sufficient to efficiently carry all effluent which will be produced on the premises.

13.08.110 NUMBER OF SERVICE LINES.

The owner of a single parcel of property may apply for and receive as many customer service lines as he and his tenants may require, provided his application or applications meet the requirements of Chapters 13.04 through 13.24.

13.08.120 CONSTRUCTION COSTS.

At the time the applicant applies for sewage service where no such service previously existed, or if the applicant applies for a change in the size of the customer service line or location, he shall submit with his application a statement of whether he had installed or will install the customer service line or whether the city is requested to do so. "If the customer makes such installation, he shall furnish such proof as is required by the department to establish that the line is properly constructed and of sufficient size to carry the sewage and pay a connection fee for connecting to the interceptor. No connection will be made to an interceptor except by the city as the request of the customer.

13.08.130 CUSTOMER'S PLUMBING.

The customer's plumbing, which includes the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry sewage, shall comply with the plumbing code of the city.

13.08.140 REQUIRED CONNECTIONS.

Wherever there is now, or may hereafter be, constructed within the city limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley or right-of-way along which the interceptor is constructed, must connect all improvements on such property in which any sewage or liquid waste is produced, with a customer service line and an interceptor.

Whenever the city notifies in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed fees, and complete the connection with the interceptor within thirty days from the date of the notice. The department may, for good and sufficient reason, extend the time for the completion of the connection.

CHAPTER 13.14 - SEWAGE SERVICE RATES

13.14.005 APPLICATION FOR SEWER SERVICES

Application for sewer services shall be completed as set forth in chapter 13.02.010-.040. (Ordinance 18-10-08-01)

13.14.010 SEWAGE SERVICE RATES.

The sanitary sewage service rates to be charged for service and connection charges shall be as set forth by resolution of the city council and incorporated in this chapter by reference. The city reserves the right to establish different rates for sewage service supplied inside and outside the city limits. (Ordinance 18-10-08-01)

13.14.020 CHARGES PLACED ON BILL.

All sanitary sewer service charges, except the connection fee, shall be placed on the bill for city water service charges.

13.14.030 PAYMENT OF BILLS.

A. All bills shall be mailed on the first working day of the month or as reasonably close. All charges for sanitary sewer service shall be due when the bill containing the service charges is mailed.
B. Bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of .875% each month until paid in full. (Ordinance 19-04-02-02-Amending Title 13)

13.14.040 COLLECTION OF DELINQUENT ACCOUNTS.

The city may use all legal means and pursue all legal remedies to collect unpaid sanitary sewer service charges. The city, in addition to the foregoing, shall terminate all water service supplied by the city to the premises owned or occupied by a person who has failed to pay the sewer service charges when due in accordance with the procedure set out in Sections 13.14.050 through 13.14.070. (Ordinance 18-10-08-01)

13.14.050 DELINQUENCY NOTICE.

The Clerk's office may, but shall not be required to, send a notice of delinquent account ten days after the account becomes delinquent.

13.14.060 TERMINATION NOTICE.

Within fifteen days after an account becomes delinquent, a notice of termination of service shall be sent to the customer. The notice shall state a date on or which water will be turned off it the delinquent account is not paid in full prior thereto. Such date shall not be less than five or more than fifteen days from the date of notice. A delivery to the premises receiving sanitary sewer services or mailing to the address of record of the customer shall be considered a delivery to the customer.

13.14.070 TERMINATION OF SERVICE.

An agent of the city shall terminate services on the date so specified in the notice of termination of service unless the account is paid in full. (Ordinance 18-10-08-01)

13.14.080 TEMPORARY DISCONTINUANCE OF SERVICE.

A customer may request a temporary discontinuance of sewer service upon advance written notice to the City. Temporary Discontinuance of service will be charged a monthly service availability fee, according to the current rate schedule established by Resolution and incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's sewer service. Customer will be charged a eleven-dollar charge (plus tax) to have such service restored. (Ordinance 18-10-08-010; Prior Ord. 15-03-17-02)

CHAPTER 13.20 - PROHIBITED ACTS

13.20.010 DESIGNATED.

IT is unlawful and a violation of Chapters 13.04 through 13.24 for a customer or any other person to deposit or allow being placed into the sanitary sewage collection system any of the following materials:

A. Petroleum, coal tar, vegetable and mineral oils and products, and their derivatives and wasters;
B. Greases, oils, and sludges from service stations, garages, repair shops, machine shops, cleaning establishments or other industries or establishments;
C. Explosive or inflammable liquids and gasses;
D. Acids, alkalis or other corrosive liquids, gases or substances of sufficient strength to damage sewers, manholes, pumping stations or treatment plant units;
E. Paints or waste products from paint manufacturing;
F. Substances which will form deposits or obstructions in the sewage collection system or which, when mixed with sewage, will precipitate material and thus form deposits in the system;
G. Ashes, cinders, sand, earth, coal, rubbish or metals of any kind;
H. Live steam, exhaust steam or water having a temperature above one hundred forty degrees Fahrenheit;
I. Un-ground refuse, garbage or waste materials;
J. Offal from slaughterhouses and fish processing plants;
K. Dead animals;
L. Sulfite of sulfate liquor and “white” water from pulp mills.

13.20.020 PROHIBITED CONNECTIONS.

It is unlawful for any person to make any connection which will cause or result in any wastewater entering the sanitary water system from any roof, roof drain, cellar, yard, foundation drain, cooling water discharge, spring, swamp area, manhole cover, cross-connected storm or combined sewer, catch basin, storm drain, surface run-off, street waters, or other drainage.

13.20.030 CONNECTIONS MADE WITHOUT PERMIT.

It is unlawful and a violation of Chapters 13.04 through 13.24 for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit there for from the city clerk.

13.20.040 INTERFERENCE AND TAMPERING.

It is unlawful and a violation of Chapters 13.04 through 13.24 for any person to open any manhole or sewage life station, enter into, or interfere or tamper with any sewer, manhole, sewage lift station, property at the sewage treatment plant or stabilization pond.

13.20.050 PENALTY FOR VIOLATION.

A. Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030

B. If a violation continues, each day's violation shall be deemed as a separate violation. (Ordinance 19-04-02-02; (part))

CHAPTER 13.24 - MISCELLANEOUS PROVISIONS

13.24.010 ACCESS TO PROPERTY.

All duly appointed employees of the department, under the direction of the superintendent of the department, shall have free access at all reasonable hours of the day to any and all parts of structures and premises from which sewage is carried for the purpose of inspecting connections, the condition of pipes and fixtures, and the quantity and composition of the sewage. The department does not however assume the duty of inspecting customer service lines, plumbing and equipment, and shall not be responsible, therefore.

13.24.020 SUSPENSION OF RULES.

No employee of the department is authorized to suspend or alter any of the provisions contained in Chapters 13.04 through 13.20 and this chapter without specific approval or direction of the city council, except in cases of emergency involving loss of life or property, or which would place the operation of the sanitary sewer system in jeopardy.

13.24.030 EASEMENT.

Each applicant and user give and grants to the city an easement and right-of-way on and across his property for the installation of customer service lines, interceptors, valves, and other necessary equipment.

CHAPTER 13.28 - WATER - GENERAL PROVISIONS

13.28.010 DEFINITIONS.

For the purposes of this chapter and Chapters 13.36 through 13.68, the following terms shall have the meanings herein prescribed:

A. Whenever the word “applicant” is used, it means the person, or persons, firm or corporation making application for water service from the public works department (the department) under the terms of these regulations;

B. Whenever the words “customer” or “user” are used, they mean an applicant who has been accepted and who receives water service from the department.

13.28.020 SERVICE AREA.

The water service area shall be such area within the ‘city limits of Thorne Bay (the city) and such contiguous territory as is immediately adjacent to the city’s water distribution system. The system shall be extended to such areas in and outside the city as the council from time to time determines.

13.28.030 SUPPLY.

Water service shall be provided by the department, which will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers at adequate pressure and to avoid so far as reasonably possible any shortage or interruption in delivery. The city shall not be liable for damage resulting from interruption in service or lack of service. Temporary suspension of service by the department for improvements and repairs will be necessary. Whenever possible, and when time permits, all customers affected will be notified ‘prior’ to shutdowns by postings and news media.

13.28.040 QUALITY.

The department will exercise reasonable diligence to supply safe and potable water at all times.

13.28.050 OWNERSHIP OF SYSTEM.

All water mains, valves, fittings, hydrants and other appurtenances, except “custom service lines,” as defined in Section 13.40.010, shall be the property of the city. (Ord. 88-48 ss (part), 1988)

13.28.060 CLASSES OF SERVICE.

The classes of service shall be Residential, commercial, standby fire and contract as further qualified by the number after the class as follows:

1. Inside city limits;
2. Outside city limits.

13.28.070 RESIDENTIAL SERVICE.

Residential services shall consist of all services for domestic purposes supplied to a single-family dwelling unit.

13.28.080 COMMERCIAL SERVICE.

Commercial services shall consist of all services where water is supplied for a commercial or business establishment, or multi-dwelling units.

13.28.090 STANDBY FIRE SERVICES.

Standby fire service shall consist of those services where water is available or used for fire protection only. (Ord. 88-48 §5 (part) 1988)

13.28.095 UNIMPROVED OR DISCONTINUED.

All unimproved lots or discontinued services on the water line will be charged a monthly service availability fee, according to the current rate schedule established by Resolution and incorporated in this chapter by reference, to help offset the cost of operating and maintaining the water system. No unimproved lots or discontinued services will be allowed to connect to the system until all fees are paid. This amount may include interest and penalties on delinquent accounts. In the event of a change of ownership in the property, it will be the responsibility of the customer to disclose any amount owed to the new owner.

13.28.100 CONTRACT SERVICES.

Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the city council.

13.28.110 SPECIAL CONTRACTS.

When the applicant's (such as an independent water district) requirements for water are unusual or large or necessitate considerable special or reserve equipment or capacity, the city council reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published water rates and regulations. All special contracts shall be in writing, signed by the applicant, approved by the council and signed by the mayor and city clerk.

13.28.120 RESALE OF WATER.

Resale of water shall be permitted only under special contract, in writing, between the city council and the party selling the water. (Ord. 88-48 §5 (part) 1988).

13.28.130 SERVICE PREFERENCE.

In case of shortage of supply, the department has the right to give preference to customers and interests as public convenience or necessity requires. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.

CHAPTER 13.32

REPEALED BY ORDINANCE 18-10-08-01

CHAPTER 13.36 - WATER MAIN EXTENSIONS

13.36.010 WITHIN CITY LIMITS.

The city shall install water main extensions to areas within the city limits not presently served with water only after authorization.

13.36.020 OUTSIDE CITY LIMITS.

Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the city at the time installed.

The city council shall determine the size of the main extensions and all extensions shall be made of suitable material approved by the city council. Extensions outside the city limits shall be installed by the department or by the customers, in accordance with plans and specifications approved by the city council.

13.36.030 LOCATION OF EXTENSIONS.

The department will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the city along with all rights and title to the main at the time of installation.

CHAPTER 13.40 - SERVICE REGULATIONS

13.40.010 DEFINITION.

The “customer service line” shall be that part of the piping on the customer’s or other private property. The customer shall own, install and maintain the customer service line.

13.40.020 SERVICE CONNECTION CHARGE.

At the time the applicant files for service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge. The service connection charge is to cover the actual cost to the department to install the meter (including meter cost) and the service from the main to the meter. The service connection charge shall be as set in the current published water rate schedule.

13.40.030 SIZE OF SERVICE.

The department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the department. The minimum size of service shall be three-fourths inch. The department may refuse to install a service line which is undersized or oversized as determined by the council.

13.40.040 CHANGES IN SERVICE SIZE.

Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the department for making the change.

13.40.050 JOINT SERVICE CONNECTIONS.

The department may, at its option, service two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special contract approved by the city council.

13.40.060 NUMBER OF SERVICE CONNECTIONS ON PREMISES.

The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of Chapters 13.28 through 13.68.

13.40.070 STANDBY FIRE PROTECTION SERVICE CONNECTIONS – PURPOSE.

Standby fire protection service connections or two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the city.

13.40.080 STANDBY FIRE PROTECTION SERVICE CONNECTIONS – CHARGES FOR SERVICE.

Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protections services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby fire protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.

13.40.090 STANDBY FIRE PROTECTION SERVICE CONNECTIONS VIOLATIONS OF REGULATIONS.

If water is used from a standby pipe connection service in violation of Chapters 13.28 through 13.68, violators will be considered guilty of an infraction and shall be punished by the fine established in section 1.16.035 Fine Schedule. (Ordinance 19-04-02-02; (part).).

13.40.100 FIRE SERVICE CONNECTIONS OTHER THAN STANDBY.

A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

13.40.110 TEMPORARY SERVICE CONNECTIONS.

For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the water department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

13.40.120 TEMPORARY SERVICE CONNECTION – TIME LIMIT.

Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the department.

13.40.130 TEMPORARY SERVICE CONNECTION – CHARGE FOR WATER SERVED.

Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

13.40.140 TEMPORARY SERVICE CONNECTION – INSTALLATION CHARGE AND DEPOSITS.

The applicant for temporary service will be required:

A. To pay the department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service;
B. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the department;
C. To deposit with the utility an amount equal to the value of any equipment loaned by the department to such applicant.

13.40.130 TEMPORARY SERVICE CONNECTION – RESPONSIBILITY FOR METERS AND INSTALLATION.

The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

13.40.160 CUSTOMER'S PLUMBING – PLUMBING CODE.

The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the city.

13.40.170 CUSTOMER'S PLUMBING – CONTROL VALVES.

Customers shall install a suitable control valve in the customer service line at a location determined by the department, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed if none exists, as provided by this section. It shall be a violation of Chapters 13.28 through 13.68 for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

CHAPTER 13.44 - WATER METERS

13.44.010 OWNERSHIP.

The department will own and maintain all water meters. The department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

13.44.020 INSTALLATION.

Installation of water meters shall be performed only by authorized employees of the department the department at the time of installation shall seal all meters, and no seal shall be altered or broken except by one of its authorized employees.

13.44.030 SIZE AND TYPE.

Applicant may request and receive any size meter regularly stocked or furnished by the department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the superintendent of the department. The department reserves the right to determine the type of meter to be installed.

13.44.040 LOCATION.

Meters shall be placed either inside or under a heated building at such suitable place as is most convenient, but the location must be approved by the department. The meters will not be located where damage to the meter or its related parts may occur. Each meter shall have a remote recording device, which can be read from outside the building.

13.44.050 JOINT USE.

The joining of several customers to take advantage of the single minimum charges and large quantity rates is prohibited, except under special contract, in writing with the city council.

13.44.060 CHANGES IN SIZE OR LOCATION.

If for any reason a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be so amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

13.44.070 LOCATION DETERMINATION.

A. The council shall from time to time determine the premises, or classifications of premises, on which water meters shall be required. The department shall make such installations as are directed by the council.

B. Before making any installation of a meter, the occupant of the premises on which a meter is to be installed shall be informed of the necessity for such installation and notify the occupant that access is necessary to make the installation at a time convenient to the department.

C. Any person refusing to grant access for such purpose of meter installation or meter reading, shall have services discontinued and shall be guilty of an infraction and shall be punished by the fine established in 1.16.035 Fine Schedule. (Ordinance 19-04-02-01; (part))

13.44.080 METER ACCURACY.

All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service, which is known to have an error in registration in excess of two percent under conditions of normal operation.

13.44.090 STANDARD TEST.

Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

13.44.100 TEST ON CUSTOMER REQUEST.

A customer may, giving not less than seven days' notice, request the department to test the meter servicing his premises. Customers may at their option witness any meter tests, which they request.

13.44.110 TEST ON DEPARTMENT REQUEST.

If, upon comparison of past water usage, it appears that a meter is not registering properly, the department may at its option test the meter and adjust the charges accordingly if the meter either over registers or under registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

13.44.120 CREDITS OR DEBITS.

No credits or debits will be borne by the city or the customer should the tested meter show variance high or low, from the accuracy defined in Section 13.44.080.

13.44.130 NON-REGISTERED METERS.

The department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

13.44.140 METER INSTALLATION MANDATORY.

A. Water meters shall be mandatory for all water services installed after the effective date of the ordinance codified in this section. Customers requesting water meters on existing services will not be allowed to revert to a flat rate billing. The intent of the city council is to work toward one hundred percent metered services within the system.

B. The city, at its discretion and expense, may require the installation of meters on existing services.

CHAPTER 13.48 - WATER RATES

13.48.010 WATER SERVICE RATES.

The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and service connection charges, shall be set forth by resolution of the city council and incorporated herein by reference. All customers who participate in water services and have city sewer connections must participate in sewer utility service unless otherwise approved by the department. (Ordinance 18-10-08-01)

13.48.020 NOTICES TO CUSTOMERS.

Notices from the department to the customer will normally be given in writing and either mailed to or delivered to him at his last known address. Where conditions warrant and in emergencies, the department may notify either by telephone email or messenger.

13.48.030 NOTICES FROM CUSTOMERS.

Notices from the customer to the department may be given by the customer or his authorized representative in writing at the office of the clerk at city hall or to an agent of the department duly authorized to receive notices or complaints. (Ordinance 19-04-02-02; (part))

13.48.040 METER READINGS.

Meters will be read, and customers billed on the basis of the meter reading to the nearest one thousand gallons. Meter shall be read on or about the 24th of each month, or as reasonably close as possible. (Ordinance 18-10-08-01)

13.48.050 RECORDS.

The department will keep an accurate account of its books of all readings of meters.

13.48.060 MAILING BILLS.

All bills shall be mailed on the first business day of the month, or as reasonably close. (Ordinance 19-04-02-02)

13.48.070 PAYMENT OF BILLS.

Each bill rendered shall be due when mailed. All bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of .875% a month until paid in full.

13.48.080 DELINQUENCY NOTICE.

The clerk's office may, but shall not be required to, send a notice of delinquent account ten days after the account becomes delinquent.

13.48.090 TERMINATION NOTICE.

Within fifteen days after an account becomes delinquent, a notice of termination of service shall be sent to the customer. The notice shall state a date on or after which water will be turned off if the delinquent account is not paid in full prior thereto. Such date will not be less than live, or more than fifteen days from the date of the notice. A delivery to the premises served by the meter or mailing to the address of record of the customer shall be considered a delivery to the customer.

13.48.100 TERMINATION OF SERVICE.

An agent of the city shall terminate the water service on the date so specified in the notice of termination unless the account is paid in full.

13.48.110 DISCONNECT/RECONNECT CHARGE.

In all instances where water has been turned off or scheduled to be turned off because of delinquent accounts, a twenty-five-dollar service charge shall be assessed.

CHAPTER 13.52 - DISCONTINUANCE OF WATER SERVICE

13.52.010 TEMPORARY DISCONTINUANCE OF SERVICE.

A customer may request a temporary discontinuance of water service upon advance written notice to the City. Temporary Discontinuance of service will be charged a monthly service availability fee, according to the current rate schedule established by Resolution and incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's water service.
Customer will be charged a ten-dollar administrative services charge (plus tax) to have such service restored. (Ordinance 18-10-08-01)

13.52.020 NONPAYMENT OF BILLS.

A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 13.48.070.

13.52.030 UNSAFE FACILITIES.

The department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the city.

13.52.040 CROSS CONNECTIONS.

A cross connection is defined as any physical connection between the water system and another source. Such cross connections are unlawful. The department will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the department on the same premises shall maintain separate systems for each; and the department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

13.52.050 WATER WASTE.

Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the department may discontinue service if such conditions are not corrected after notice by the department.

13.52.060 SERVICE DETRIMENTAL TO OTHERS.

The department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

13.52.070 FRAUD OR ABUSE.

The department will refuse service or discontinue service to any premises where it is deemed necessary to protect the department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the department that the condition or conditions exist.

13.52.080 UNAUTHORIZED TURN-ON.

A. It is unlawful for any customer or other unauthorized person to turn-on water services where services had been discontinued for any reason. Violators are subject to the penalties as described in TBMC Chapter 1.16.035.
B. Unauthorized turn on by any persons shall be deemed an infraction, and punishable by a fine as set forth in chapter 1.16.035 Fine Schedule. (Ordinance 19-04-02-02; in part; prior Ordinance 18-10-08-01)

13.52.090 NONCOMPLIANCE WITH REGULATION.

The department may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of Chapters 13.28 through 13.68.

CHAPTER 13.56 - RESPONSIBILITY FOR WATER EQUIPMENT

13.56.010 RESPONSIBILITY FOR CUSTOMER EQUIPMENT.

The city shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the city be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

13.56.020 RESPONSIBILITY FOR DEPARTMENT EQUIPMENT.

City equipment on the customer's premises remains the property of the city and may be repaired, replaced or removed by the department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove city equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

13.56.030 DAMAGE TO DEPARTMENT EQUIPMENT.

The customer shall be liable for any damage to equipment owned by the city, which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permit tees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, and other appurtenances.

CHAPTER 13.60 - FIRE HYDRANTS

13.60.010 OPERATION.

No persons or persons other than those designated and authorized by the department shall open any fire hydrant belonging to the department, attempt to draw water from it or in any manner damage or tamper with it. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water. (Ordinance 19-04-02-02; in part)

13.60.020 MOVING A FIRE HYDRANT.

When a fire hydrant has been installed in the locations specified by the proper authority, the department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the department and the fire department.

CHAPTER 13.64 WATER SERVICE – MISCELLANEOUS PROVISIONS

13.64.010 RESTORATION OF SERVICE.

Restoration of service after discontinuance for non-payment of bills shall be made after payment of current and past due charges and the restoration charge and posting a deposit as hereinbefore provided. Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with this chapter and Chapters 13.28 through 13.68 will only be made after the irregularity has been corrected and the department has been assured that the irregularity will not reoccur.

13.64.020 UNUSUAL DEMANDS.

When an abnormally large quantity of water is desired for filling a swimming pool, pond or for other purposes, arrangements must be made with the utility prior to taking such water. Permission to take water in unusual quantities will be given only if the department facilities and other consumers are not inconvenienced.

13.64.030 ACCESS TO PROPERTY.

All duly appointed employees of the department, under the direction of the superintendent of the department, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible, therefore.

13.64.040 SUSPENSION OF RULES.

No employee of the department is authorized to suspend or alter any of the provisions herein without specific approval or direction of the city council, except in cases of emergency involving loss of life or property of which would place the water system operation in jeopardy.

13.64.050 EASEMENT.

Each applicant and user give and grants to the city an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.

CHAPTER 13.68 - SERVICE-PENALTIES

13.68.010 VIOLATIONS AND PENALTIES

Any person who violates or causes or permits to be violated any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035, or if no fine is listed in the fine schedule, then by a fine established in 1.16.030. (Ordinance 18-10-08-01)

CHAPTER 13.70 - SOLID WASTE

13.70.010 DEFINITIONS.

For the purposes of this chapter and Sections 13.70.010 through 13.70.390, the following terms shall have the meanings herein prescribed:

A. "Applicant" means the person or persons, firm or corporation making application for solid waste service from the city public works department (the department) under the terms of this chapter;

B. "Customer" or "user" means an applicant who has been accepted and who receives solid waste service from the department.

C. "Clerk" means the city clerk or the utility clerk for the city. (Ord. 88-48 § 5(part), 1988)

13.70.020 AUTHORITY TO ESTABLISH AND TO OPERATE A SOLID WASTE UTILITY SERVICE.

The city of Thorne Bay (hereinafter "city") through its city council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purposes of providing solid waste service in the city. (Ord. 88-48 § 5(part), 1988)

13.70.030 PARTICIPATION IN SOLID WASTE SERVICE REQUIRED.

A. All customers who participate in water or sewer service must participate in solid waste utility service unless otherwise approved by the department.

B. It is unlawful for any person to place, deposit or permit to be deposited in any manner upon public or private property within the city or on city property or in any area under the jurisdiction of the city any garbage which is not designated as a solid waste disposal site, trash or other waste which ordinarily is regarded as solid waste or industrial waste. (Ordinance 19-04-02-02, in part; prior Ord. 88-48 § 5(part), 1988)

13.70.040 DESCRIPTION OF SERVICE.

Solid waste service shall be provided by the department which will exercise reasonable diligence to ensure the uninterrupted service. (Ord. 88-48 § 5(part), 1988)

13.70.050 NO LIABILITY OF CITY.

The city shall not be liable for damages resulting from interruption in service or lack of service. The city reserves the right to interrupt service for reasonable periods of time in the event of mechanical breakdown and illness or injury of department solid waste personnel. Whenever possible, and when time permits, all customers affected will be notified prior to the suspension of service by posted notice. (Ord. 88-48 § 5(part), 1988)

13.70.060 CLASSES OF SERVICE.

The classes of service shall be Residential, commercial and contract. (Ord. 88-48 § 5(part), 1988)

13.70.070 RESIDENTIAL SERVICE.

Residential service shall be solid waste service for domestic purposes supplied to a single-family dwelling unit consisting of one solid waste pickup once a week. (Ord. 90-18 § 5(part), 1990)

13.70.080 COMMERCIAL SERVICE.

Commercial service shall be solid waste service where solid waste is collected from a commercial or business establishment, or multi-dwelling units above a funplex. Service shall consist of one solid waste pickup once a week. (Ord. 90-18 § 5(part), 1990)

13.70.090 CONTRACT SERVICE.

Contract service shall consist of service for industrial or independent solid waste disposal purposes under contracts authorized by the city council. (Ord. 88-48 § 5(part), 1988).

13.70.100 SPECIAL CONTRACTS.

When the applicant's requirements for solid waste disposal are unusual or large or necessitate considerable special or reserve equipment or capacity, the city council reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published solid waste rates and regulations. All special contracts shall be in writing, signed by the applicant, approved by resolution of the city council and signed by the chief executive officer and the city clerk. (Ord. 88-48 § 5(part), 1988)

13.70.110 APPLICATION FOR SERVICE.

Application for Solid Waste Services shall be completed as set forth in chapter 13.02.010-13.02.040. (Ordinance 18-10-08-01; Prior Ord. 88-48 § 5(part), 1988)

13.70.120 REPEALED

(Ordinance 18-10-08-01; Prior Ord. 88-48 § 5(part), 1988)

13.70.130 REPEALED

(Ordinance 18-10-08-01; Prior Ord. 96-20 § 3(part), 1996: Ord. 88-48 § 5(part), 1988)

13.70.140 REPEALED

(ORDINANCE 18-10-08-01; PRIOR ORD. 88-48 §5(PART), 1988)

3.70.150 SOLID WASTE RATE SCHEDULE.

A. The solid waste rate schedule to be charged for service, landfill users, and dumpster permits shall be as set forth in the most current solid waste rate schedule adopted and approved by resolution of the city council and incorporated herein by reference.
B. Service customers are required to pay service fees as hereinafter provided in this chapter. (Ordinance 19-04-02-02; in part; Ord. 90-18 §5(part), 1990)

13.70.160 APPLICATION AMENDMENTS.

Customers desiring a material change in the size, character or extent of service which would result in a material change in the amount of solid waste disposal shall fill out and file an amended application with the clerk reflecting such change prior to the change and the application for service shall be amended and, if applicable, the solid waste rate charge shall likewise be amended. (Ord. 88-48 §5(part), 1988)

13.70.170 CUSTOMER REQUIREMENTS.

Solid waste will be placed in covered receptacles within ten feet of a public street, city right-of-way or in other designated places. Residential receptacles shall not be larger than thirty-three gallons, commercial receptacles shall be approved dumpsters not larger than four cubic yards and/or thirty-three-gallon receptacles. Cardboard boxes and/or plastic garbage bags may be placed alongside the container. (Ord. 88-48 §5(part), 1988)

13.70.172 ALUMINUM SEGREGATION.

All service customers, landfill users and dumpster users are encouraged to segregate aluminum cans from other refuse. Service customers shall place aluminum cans in a separate container which will be collected by the city at no cost to the customer. Landfill users shall segregate and deposit aluminum cans at the landfill at no cost to the user. Dumpster users shall segregate and deposit aluminum cans in the dumpster designated "FOR ALUMINUM CANS ONLY" at no cost to the user. It is unlawful for any person to deposit anything other than aluminum in a collection container, refuse receptacle, or dumpster designated "FOR ALUMINUM CANS ONLY". (Ordinance 18-10-08-01; Prior Ord. 04-06-03-02 §4, 2004; Ord. 94-07 §5(part), 1994)

13.70.174 ASH DISPOSAL.

It is unlawful for any person to place, or authorize another to place, any ash in any collection container, refuse receptacle, or dumpster. It is unlawful for any person to place, deposit or attempt to dispose of, or permit another to place, deposit or attempt to dispose of any ash containing contaminates, chemicals or substances prohibited by federal or state laws or regulations at the landfill. Uncontaminated ash may be transported by customer to the landfill facility for disposal. Ash shall be fully combusted. Non-combusted materials shall be segregated from the ash before acceptance at the landfill facility. The landfill operator may require customer to provide appropriate documentation certifying that the ash meets all federal or state standards before accepting same for disposal. (Ordinance 18-10-08-01; Prior Ord. 94-07 §5(part), 1994)

13.70.176 SPECIAL WASTE.

It is unlawful for any person to place, or authorize another to place, in any collection container, refuse receptacle, or dumpster the following items: household hazardous waste, paint, batteries, antifreeze, chlorine, acetylene, masonry in excess of one-half inch thick, concrete, ferrous metals with a thickness greater than one-eighth inch or three-eighths inch in diameter, wood with a thickness greater than two inches, steel cable more than three-eighths inch in diameter, copper with a thickness greater than one-half inch thick, tires, pressurized tanks/canisters, or other items designated by the landfill operator which may damage the facility baler equipment. The above items may be transported by customer to the landfill facility for disposal. (Ordinance 18-10-08-01; Prior Ord. 94-07 §5(part), 1994)

13.70.180 ACCESS TO LANDFILL.

The municipal landfill for solid waste disposal shall be opened only by individuals authorized by the city. The landfill for solid waste shall be opened to the public for dumping on days and during hours designated by the department and posted at the landfill. Authorized landfill users shall dump only in areas designated by the landfill operator. Non-authorized dumping of solid waste shall not be permitted. (Ordinance 18-10-08-01; Prior Ord. 90-18 §5(part), 1990)

13.70.182 PROHIBITED SUBSTANCES.

It is unlawful for any person to place or deposit, or permit another to place or deposit, in any collection container, refuse receptacle, dumpster or in the landfill any hazardous or poisonous wastes, saturated oily waste, liquid petroleum products, bulk liquids, liquid septic tank pumping, commercial fish processing waste, radioactive material, asbestos containing waste, liquid solvents, strong acids or bases, explosives, polychlorinated biphenyls and any

hazardous waste defined and regulated under 40 CFR 261, as amended, or prohibited by permit stipulations for the landfill facility (Ordinance 18-10-08-01; Prior Ord. 94-07 § 5(part), 1994)

13.70.186 UNAUTHORIZED USE OF COLLECTION CONTAINERS, TRASH RECEPTACLES, AND DUMPSTERS.

It is unlawful for any person to place, or permit another to place, any refuse in any collection container, refuse receptacle or dumpster unless the refuse is from the premises served by the container or from the premises, activity, or facility at which the receptacle or dumpster is located. (Ordinance 18-10-08-01; Prior Ord. 94-07 § 5(part), 1994)

13.70.190 NOTICES TO CUSTOMERS.

Notices from the city or department to the customer will normally be given in writing and either mailed to or delivered to him at his last known address. Where conditions warrant and in emergencies, the city or department may notify customer either by telephone or messenger. (Ord. 88-48 § 5(part), 1988)

13.70.200 NOTICES FROM CUSTOMER.

Notices from customer to the city or department may be given by the customer or his authorized representative in writing at the office of the clerk in City Hall or to an agent of the department duly authorized to receive notices or complaints. (Ord. 88-48 § 5(part), 1988)

13.70.210 ACCOUNTING RECORDS.

The city will keep an accurate account on its books, and such account so kept, shall be offered at all times, places and courts as prima facie evidence of the use of solid waste service by the customer. (Ord. 88-48 § 5(part), 1988)

13.70.220 BILLING PERIOD.

Billings shall be mailed on the first business day of the month or as reasonably close. (Ordinance 19-04-02-02, in part; Prior Ord. 88-48 § 5(part), 1988)

13.70.230 BILLS-SEPARATE REQUIRED-EXCEPTION.

All services supplying a customer's premises shall be billed separately, except that where the department has, for operating purposes, installed two or more services in place of one. (Ord. 88-48 § 5(part), 1988)

13.70.240 BILLS-DISPUTES.

When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill with the clerk at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under this chapter. (Ord. 88-48 § 5(part), 1988)

13.70.250 BILLS-PAYMENT BY DUE DATE.

All bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of .875% each month until paid in full. If the due date falls on a weekend or holiday observed by the City, the due date shall be the close of business on the next business day of the City. (Ord. 09-10-19-01) Ord. 95-10 § 3(part), 1995: Ord. 88-48 § 5(part), 1988)

13.70.260 BILLS-DISCONTINUANCE-DELINQUENCY NOTICE FOR DELINQUENCIES.

Fifteen days after an account becomes delinquent, a discontinuance/delinquency notice shall be sent to the customer, stating the date on which the solid waste service will be discontinued if the delinquent account is not paid in full prior thereto. The stated discontinuance date shall be no sooner than ten days following the date of mailing or personal delivery of the discontinuance notice to the customer. The discontinuance notice shall contain a statement informing the customer of his right to an informal hearing before the mayor or his/her designee (during regular office hours, on any day at least one day prior to the stated discontinuance date), such hearing to be held only upon the request of the customer, and for the purpose of providing an opportunity for the customer to present any facts he may have that place the delinquency of his account in dispute. (Ordinance 19-04-02-02; prior Ord. 03-01-16-02 § 3(part), 2003: Ord. 88-48 § 5(part), 1988)

13.70.270 SERVICE DISCONTINUANCE FOR DELINQUENT ACCOUNTS-METHOD.

Within fifteen days after an account becomes delinquent, a notice of termination of service shall be sent to the customer. The notice shall state a date on or after which water will be turned off if the delinquent account is not paid in full prior thereto. Such date will not be less than five, or more than fifteen days from the date of the notice. A delivery to the premises, served by the meter or mailing to the address of record of the customer shall be considered a delivery to the customer.

13.70.280 INSTALLMENT PAYMENTS FOR DELINQUENT ACCOUNTS.

The chief executive officer, or his designee, shall have the discretion of maintaining or renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount. Should customer breach the terms of any such agreement, solid waste service will be immediately discontinued without further notice. (Ord. 03-01-16-02 § 3(part), 2003: Ord. 88-48 § 5(part), 1988)

13.70.290 DISCONTINUANCE OF SERVICE-CUSTOMER REQUEST.

Each customer about to vacate any premises supplied with solid waste service by the city shall give the city written notice of his intentions to discontinue the service, specifying the date service is to be discontinued; otherwise, customer will be responsible for all solid waste services supplied to such premises until the city receives such notice of discontinuance. (Ord. 88-48 § 5(part), 1988)

13.70.300 TEMPORARY DISCONTINUANCE OF SERVICE-CUSTOMER REQUEST.

A customer may request a temporary discontinuance of garbage service upon advance written notice to the City. Temporary discontinuance of service will be charged a monthly service availability fee, according to the current rate schedule established by Resolution incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's garbage service. Customer will be charged a ten-dollar service charge (plus tax) to have such service restored. Garbage service may not be discontinued while water and sewer services are being delivered and used in the home. (Ordinance 18-10-08-01)

13.70.310 CHANGE OF APPLICANT NAME AND BILLING ADDRESS.

When an owner of customer's premises requests in writing that service be changed from the name of the customer into the owner's name only and that the billing address be changed to the owner's address, and provided that customer and owner are not in violation of any of the provisions of this chapter, such request shall be honored by the city upon city's receipt of a five-dollar service charge to perform such change. (Ord. 88-48 § 5(part), 1988)

13.70.320 DISCONTINUANCE OF SERVICE-FRAUD OR ABUSE.

The city will refuse or discontinue service to any premises where it is deemed necessary to protect the city from fraud or abuse. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the city that the condition or conditions exist. (Ord. 88-48 § 5(part), 1988)

13.70.330 DISCONTINUANCE OF SERVICE-NONCOMPLIANCE WITH REGULATIONS.

Except as otherwise provided in this chapter, the city will, upon ten days' written notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter. (Ord. 88-48 § 5(part), 1988)

13.70.340 SERVICE RESTORATION.

Service restoration after discontinuance of service for violation of Sections 13.70.320 or 13.70.330 will be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. The restoration charge shall be twenty-five dollars plus past due amounts accrued and any other charges due that the city may have incurred to correct the irregularity or to repair any damage that may have occurred due to the irregularity. (Ord. 88-48 § 5(part), 1988)

13.70.350 NON-LIABILITY OF CITY FOR DAMAGES.

City shall not be liable for any loss or damage of any nature whatsoever to customer's receptacles, nor shall the city be liable for loss or damage due to interruption of service or lack of service. (Ord. 88-48 § 5(part), 1988)

13.70.360 EQUIPMENT REMAINS CITY PROPERTY-ACCESS.

City equipment on customer's premises remains the property of the city and may be repaired, replaced or removed by city employees or agents at any time without consent of customer. No payment will be made to the property owner for the right to install, maintain, replace or remove city equipment and customer shall in no way interfere with city's operation. The customer must keep vicious dogs or other animals secured or confined at all times when services are being performed by department on customer's premises. (Ord. 88-48 § 5(part), 1988)

13.70.370 PROTECTION FROM DAMAGE.

It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal solid waste service. (Ordinance 18-10-08-01; Prior Ord. 88-48 § 5(part), 1988)

13.70.380 CUSTOMER RESPONSIBILITY FOR DAMAGE TO CITY EQUIPMENT.

Customer shall be liable for any damage to equipment owned by city which is caused by an act of customer, his tenants, agents, employees, contractors, licensees or permittees. (Ord. 88-48 § 5(part), 1988)

13.70.390 AUTHORITY TO ENTER INTO CONTRACTS-TERMS.

The city, through its duly authorized officers, is empowered to enter into any and all contracts necessary in order to provide the city and its inhabitants with solid waste service. (Ord. 88-48 § 5(part), 1988)

13.70.400 VIOLATIONS AND PENALTIES.

Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in the fine schedule. (Ordinance 18-10-08-01)

2019

TITLE 14–RESERVED

Thorne Bay Municipal Code

2019

TITLE 15 - BUILDING & CONSTRUCTION

Codified September 2019

Thorne Bay Municipal Code

TITLE 15 BUILDING & CONSTRUCTION

CHAPTER 15.04 SETBACKS 389
15.04.010 LOTS-INTERIOR SETBACKS. 389
15.04.020 DEVELOPMENT PLANS. 389
CHAPTER 15.08 DANGEROUS BUILDINGS – SECTIONS 391
15.08.010 ADOPTION. 391
15.08.015 LOCAL AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION. 391
15.08.020 MODIFICATIONS. 391
15.08.025 APPEALS. 391
15.08.030 DEFINITIONS. 392
15.08.201 (B) INSPECTIONS. DELETED "HEALTH OFFICER, THE." 392
15.08.205 BOARD OF APPEALS. 392
15.08.402 RECORDATION OF NOTICE AND ORDER. 392
15.08.404.3 AMENDS SECTION 404-ABATEMENT OF NUISANCE IN EMERGENCY. 392
15.08.501 FORM OF APPEAL. 392
15.08.802.1 GENERAL. 393
15.08.905 PERSONAL OBLIGATION AND SPECIAL ASSESSMENT. 393
15.08.907 AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST. 393
15.08.908 LIEN OF ASSESSMENT. 393
CHAPTER 15.10 SITE CONTROL SECTION 395
15.10.010 HAZARDS. 395
15.10.020 SLOPE. 395
15.10.030 SITE WORK. 395

CHAPTER 15.04 SETBACKS

15.04.010 LOTS-INTERIOR SETBACKS.

Trailers, mobile-homes and motor homes, including any wannigans, sheds and other add-on extensions which may be attached or unattached to the unit, which are intended for use as housing or any other purpose, and are located on a single lot or in a designated trailer park area, shall not be permitted within ten feet of any adjacent housing unit, or any adjacent housing unit's add-on extensions. (Ord. 93-25 § 4, 1993)

15.04.020 DEVELOPMENT PLANS.

A. Purpose: to make the public aware of setback requirements and eliminate building encroachments into rights-of-ways, easements, and other properties.

B. Plan Required. No structure shall be erected, constructed, enlarged, relocated or extended without a development plan permit issued by the city. No existing use of a structure shall be converted to another use without a permit issued by the city. Failure to submit a development plan shall be a violation of this chapter.

C. Application. All applications for development plans shall be completed on city forms and accompanied by a site plan that includes:
    1. Property boundaries and dimensions;
    2. Scale with north arrow;
    3. All existing and proposed structures and their dimensions;
    4. Distance of structures to all lot lines;
    5. Rights-of-way and easements adjacent to the property;
    6. Off-street parking spaces with their dimensions;
    7. Location of utility poles, and water and sewer lines;
    8. Access and driveways;
    9. Any topographical features that may affect the development of the property;
    10. Proposed use of the new structure and current use of any existing buildings.
        i. Applications for development plans and driveway site plans shall be kept on file at City Hall. A record of plans shall also be kept on an annual basis.

D. After a site inspection to confirm the site plan, the city zoning official shall approve or deny the permit within five business days. Decisions of the administrative official may be appealed to the planning commission. See Section 17.04.060.

E. Complaints and Violations. If a violation occurs, any citizen may file a complaint at City Hall. The Code Enforcement Officer or city zoning official, in the absence of a Code Enforcement Officer, shall record and investigate all complaints.

F. Stop-work Orders. If any construction work is being done contrary to this provision or without a development plan, the Code Enforcement Officer, city zoning official or the VPSO may issue a stop-work order. This order shall be in writing and shall be posted in a conspicuous location at the building site and shall be sent to the property owner by certified mail. No person may proceed in construction or moving/relocating a building at a site so posted until authorized by the Code Enforcement Officer city zoning official or VPSO to proceed. A development plan may be revoked if the permit issued is in error based on incorrect information, or the permit is in violation of other regulations or provisions of Thorne Bay Municipal Code.

G. Exemption from the Development Plan Requirement. Providing all setback requirements are met where applicable, the following structures do not require a development plan:

1. Fences constructed up to the property line;
2. Retaining walls not over four feet;
3. Platforms, walls and driveways not more than thirty inches above grade;
4. Temporary structures such as booths and other similar structures.

H. Plans Required Prior to Utility Hookup. No hookup for sewer, water, or water meter shall be made for any structure, mobile home or trailer within the city until a development plan is issued.

I. Penalties for Violations

1. Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030
2. If a violation continues, each day's violation shall be deemed as a separate violation.

(Ordinance 19-09-03-01; Prior Ord. 93-23 § 6(part), 1993)

CHAPTER 15.08 DANGEROUS BUILDINGS - SECTIONS

15.08.010 ADOPTION.

The bound volumes containing the code known as the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, of the International Conference of Building Officials, and every part thereof, together with the local amendments set forth in this chapter, shall constitute the laws of the city relating to the abatement of dangerous buildings. Copies of the Uniform Code for the Abatement of Dangerous Buildings may be examined at Thorne Bay City Hall. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.015 LOCAL AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION.

The amendments to the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings are listed hereafter by section. The last digits of the section number, after the title and chapter digits, refer to the section of the Uniform Code for the Abatement of Dangerous Buildings being amended: i.e., 15.08.201 refers to section 201. The Uniform Code for the Abatement of Dangerous Buildings is also amended by the definitions contained in Section 15.08.030. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.020 MODIFICATIONS.

The building officials shall have the power to modify any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the building official thereon shall be entered upon the records of the department. And a signed copy shall be furnished the applicant. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.025 APPEALS.

A. Whenever a building official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted the applicant may appeal from the decisions of the building official to the city administrator within thirty days from the date of the decision.
B. The appeal will follow the procedures set out in Section 15.56.501 et seq. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.030 DEFINITIONS.

"Board of appeals" as used in the code means "city council."
"Director of public works" as used in the code means "city administrator."
"Misdemeanor" as used in the code shall mean "violation." (Ord. 01-04-05-01 § 4(part), 2001)

15.08.201 (B) INSPECTIONS. DELETED "HEALTH OFFICER, THE."

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.205 BOARD OF APPEALS.

The Board of Appeals shall provide the final interpretation of the provisions of this code and will hear appeals provided for hereunder. The board shall render all decisions and findings in writing to the appellant. With a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official. Who shall make them freely accessible to the public? (Ord. 01-04-05-01 § 4(part), 2001)

15.08.402 RECORDATION OF NOTICE AND ORDER.

Change the term "county recorder" as appears twice in this section to "Ketchikan district recorder's office."

15.08.404.3 AMENDS SECTION 404-ABATEMENT OF NUISANCE IN EMERGENCY.

Add subsection (.3) as follows: (.3) the city administrator, upon the written recommendation of the building official, may abate any public nuisance summarily without notice in an emergency where the life or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice, shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.501 FORM OF APPEAL.

Add subsection by adding new paragraph 8 as follows:

A. The appellant shall pay a non-refundable filing fee of $50 to the city for processing the appeal, and the filing fee shall be deposited with the building official. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.802.1 GENERAL.

Change the word "shall" as it appears twice in the subsection to "may." (Ord. 01-04-05-01 § 4(part), 2001)

15.08.905 PERSONAL OBLIGATION AND SPECIAL ASSESSMENT.

Delete the provisions of this section and replace as follows:

A. The responsibility for payment of the charges for abatement as set forth in this chapter shall rest upon the owners of the property upon which the abatement occurred, to include the owners at the time of occurrence of the condition rendering the property subject to the abatement proceedings and the owners at the time of the actual abatement proceedings.
B. The City shall have right to bring suit for the collection of charges for abatement as set forth in this chapter plus costs and attorney's fees against all the parties responsible for payment, jointly and severally.
C. In addition, the City shall have the right to impose an assessment against the property for the repayment of abatement charges. If the City proceeds with an assessment, it shall confirm the assessment, because the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment and a lien upon the property.
D. The lien created herein may be enforced as provided in AS 34.35.005-.045. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement as provided in subsection (B) above. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.907 AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST.

The authority for installment payment of assessments with interest shall be determined on a case-to-case basis by resolution of the city council. (Ord. 01-04-05-01 § 4(part), 2001)

15.08.908 LIEN OF ASSESSMENT.

Immediately upon its being placed on the assessment roll the assessment shall be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be paramount to all

other liens. The lien shall continue until the assessment and all interest due and payable thereon are paid. (Ord. 01-04-05-01 § 4(part), 2001)

CHAPTER 15.10 SITE CONTROL SECTION

15.10.010 HAZARDS.

Whenever the Chief executive officer or his delegate determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Chief executive officer or his delegate, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

15.10.020 SLOPE.

The slope of cut and fill surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless a soils engineering or an engineering geology report, or both, stating that the site has been investigated and given an opinion and stabilization recommendation, that a cut at a steeper slope will be stable and not create a hazard to public or private property.

15.10.030 SITE WORK.

All grading, excavation and removal or destruction of natural topsoil. Trees or other natural vegetation shall follow Best Management Practices. Excavation should be fitted to the topography and soil conditions to create the least impact. Exposed soils should be re-vegetated as soon as practical. (Ord. 15-03-17-0)

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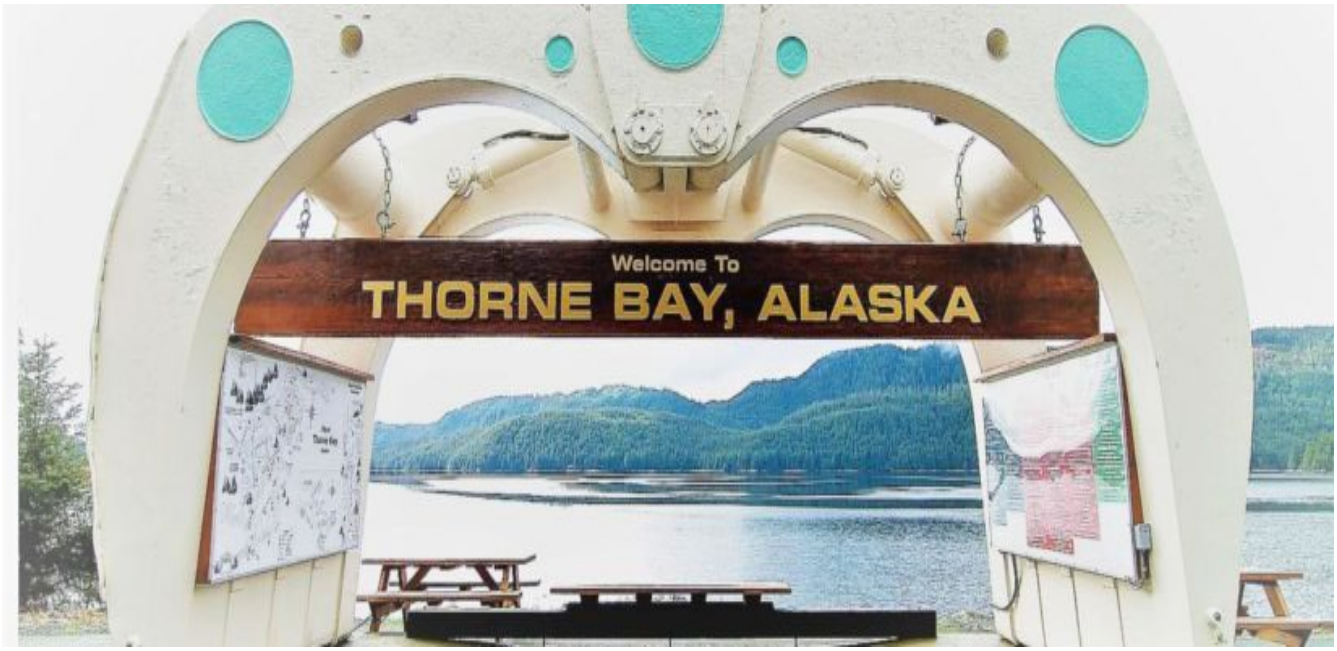

TITLE 16
SUBDIVISIONS

Codified April 2019

Thorne Bay Municipal Code

TITLE 16 - SUBDIVISIONS

CHAPTER 16.04 GENERAL PROVISIONS 399

16.04.010 APPLICABILITY. 399
16.04.020 PURPOSE. 399
16.04.030 INTENT. 399
16.04.040 BASIS FOR PLATTING. 399
16.04.050 ADMINISTRATIVE PROVISIONS. 399
16.04.060 PLATTING BOARD-DESIGNATED. 400

CHAPTER 16.08 DEFINITIONS 401

16.08.010 DEDICATION. 401
16.08.020 EASEMENT. 401
16.08.030 FINAL PLAT. 401
16.08.040 METES AND BOUNDS. 401
16.08.050 MONUMENT. 401
16.08.060 PLAT. 401
16.08.070 PRELIMINARY PLAT. 402
16.08.080 RIGHT-OF-WAY. 402
16.08.090 SUBDIVISION. 402
16.08.100 VACATION. 402

CHAPTER 16.12 PLATTING REQUIREMENTS 403

16.12.010 ADMINISTRATION. 403
16.12.020 WAIVER PROVISIONS FOR LOTS OVER 5 ACRES. 403
16.12.025 WAIVER PROVISIONS FOR LOTS UNDER 5 ACRES. 404
16.12.030 PROCEDURE FOR LOTS UNDER 5 ACRES. 404

CHAPTER 16.16 SHORT PLATS 405

16.16.010 APPLICATION. 405
16.16.020 PROCEDURE. 405

CHAPTER 16.20 PRELIMINARY PLATS 407

16.20.10 APPLICATION. 407
16.20.020 PROCEDURE. 408
16.20.030 PLATTING BOARD ACTION ON PRELIMINARY PLAT. 409
16.20.040 ACTION FOLLOWING APPROVAL. 409

CHAPTER 16.24 FINAL PLAT APPROVAL – SECTIONS 410

16.24.010 GUARANTEE OF REQUIRED IMPROVEMENTS. 410
16.24.020 FINAL PLAT SUBMITTALS. 410

CHAPTER 16.28 DESIGN STANDARDS AND IMPROVEMENTS 412
16.28.010 GENERAL PROVISIONS. 412
16.28.020 WATER SUPPLY. 412
16.28.030 SEWER SYSTEM. 412
16.28.040 STREETS. 413
16.28.050 RIGHTS-OF-WAY-PAVEMENT WIDTHS. 413
CHAPTER 16.32 MONUMENTATION-VACATIONS-DEDICATIONS 415
16.32.010 MONUMENTATION. 415
16.32.020 VACATIONS. 415
16.32.030 DEDICATIONS OUTSIDE SUBDIVISION PROCESS. 415
CHAPTER 16.36 VARIANCES-APPEALS 417
16.36.010 VARIANCE REQUIREMENTS. 417
16.36.020 VARIANCE PROCEDURE. 417
16.36.030 APPEALS. 418
CHAPTER 16.40 VIOLATIONS-PENALTIES 419
16.40.010 PENALTIES AND REMEDIES 419
16.40.020 CIVIL REMEDIES-PURSUANT TO AS 29.40.190. 419
16.40.030SUBDIVISIONS-VIOLATIONS/ ENFORCEMENT/ PENALTIES 419
1.16.030 VIOLATIONS-SEPARATE OFFENSE. 419
1.16.031 SURCHARGE. 420
1.16.035 MINOR OFFENSE FINE SCHEDULE. 420

CHAPTER 16.04 GENERAL PROVISIONS

16.04.010 APPLICABILITY.

This title shall apply to the subdivision of land within the city. It shall also apply to vacations of public land and the dedication of land to public purposes. The title will describe three classes or levels of review for land proposed to be subdivided: a waiver for certain types of newly created lots; a short plat procedure for subdivisions involving four or fewer lots where one or more of the lots is less than five acres; and a full procedure (preliminary and final plats) for subdivisions involving five or more lots of any size. (Ord. 87-01 § 1(part), 1987)

16.04.020 PURPOSE.

It is the purpose of this title to:

A. Provide for the safety, health and welfare of the citizens of Thorne Bay through the regulation of platting, including provisions for streets and trails, utility easements, dedications, vacations, plat review, survey monumentation, variances, appeals and penalties;

B. Provide for orderly development consistent with community growth;

C. Establish reasonable procedures for the subdivision of land and assure the proper legal description and monumentation of subdivided land. (Ord. 87-01 § 1(part), 1987)

16.04.030 INTENT.

It is the intent of this title to place certain requirements on the subdivision of land, and to create standards and procedures for regulating the subdivision of land. (Ord. 87-01 § 1(part), 1987)

16.04.040 BASIS FOR PLATTING.

Second class cities outside of boroughs are authorized under AS 29.35.260(c) to provide the planning, platting and land use regulation. The basis of platting is contained in AS 29.40.070 through 29.40.200. (Ord. 87-01 § 1(part), 1987)

16.04.050 ADMINISTRATIVE PROVISIONS.

A. Unless the City Council opts to administer and enforce this title pursuant to Section 2.48.010, the chief executive officer shall appoint, and the City Council shall confirm a Planning Official to administer and enforce this title.

B. The planning commission shall perform all planning functions pursuant to Alaska Statutes 29.33 and this title, including serving as the platting board pursuant to Alaska Statutes 4.15.

C. The chief executive officer, Code Enforcement Officer, or other designee shall serve as the City Planning Official until such time as he appoints, and the city council confirms another to perform that function. (Ordinance 19-08-20-04; Prior Ord. 12-04-03-02)

16.04.060 PLATTING BOARD-DESIGNATED.

The planning commission shall serve as the platting board under the direction of the planning Official. (Ordinance 12-04-03-02; Prior Ord. 87-01 § 1(part), 1987)

CHAPTER 16.08 DEFINITIONS

16.08.010 DEDICATION.

"Dedication" means the deliberate appropriation of land by a landowner, for any public use, where the landowner preserves no other rights in the property to himself than may be enjoyed by the public at large. Any dedication of land to the City must be accompanied by a transaction granting the City all rights and title to the land being dedicated. Dedication of land (Right-of-way, easement, etc.) does not imply the city assumes any responsibility for maintenance and / or construction of any improvements within the dedication. (Ord. 15-12-15-01; Prior Ord. 87-01 § 14(part), 1987)

16.08.020 EASEMENT.

"Easement" means a grant of land by a property owner, to the public or other entity, for specified uses and activities, within specified geometric boundaries. (Ord. 87-01 § 14(part), 1987)

16.08.030 FINAL PLAT.

"Final plat" means the final drawing of the subdivision, containing all of the elements required under this title and any further conditions required by the platting board, for filing with the district recorder. (Ord. 87-01 § 14(part), 1987)

16.08.040 METES AND BOUNDS.

"Metes and bounds" mean a description of real property which starts at a known point, and describes the bearings and distances of the line which forms the boundary of the property. (Ord. 87-01 § 14(part), 1987)

16.08.050 MONUMENT.

"Monument" means an object used to permanently mark a surveyed location. (Ord. 87-01 § 14(part), 1987)

16.08.060 PLAT.

"Plat" means a map or other representation of a subdivision showing lots, blocks, rights-of-way, easements, dedications and other information as required under ordinance. (Ord. 87-01 § 14(part), 1987)

16.08.070 PRELIMINARY PLAT.

"Preliminary plat" means the scale drawing of a proposed subdivision showing lots, blocks, easements, rights-of-way and other information required by ordinance, which provides a basis for approval or denial of the general layout of a subdivision. (Ord. 87-01 § 14(part), 1987)

16.08.080 RIGHT-OF-WAY.

"Right-of-way" means a strip of land dedicated, as defined in Section 16.08.010 Dedication, for transportation and utility purposes, and on a portion of which a street or trail may be built. Dedication of Right-of-way as defined in Section 16.08.010 does not imply the city assumes any responsibility for maintenance and / or construction of any improvements within the dedication. (Ord. 87-01 § 14(part), 1987) (Ord. 15-12-15-01)

16.08.090 SUBDIVISION.

"Subdivision" means a division of land into two or more lots, tracts or parcels. (Ord. 87-01 § 14(part), 1987)

16.08.100 VACATION.

"Vacation" means the transfer or sale of dedicated land, public easement or right-of-way into private ownership. The City may not vacate any dedicated land without all rights and title vested in the City or the landowner who offered the dedication granting all rights and title to the vacated land. (Ord. 15-12-15-01; Prior Ord. 87-01 § 14(part), 1987)

CHAPTER 16.12 PLATTING REQUIREMENTS

16.12.010 ADMINISTRATION.

The planning commission shall act as the platting board and shall have jurisdiction over platting which includes but is not limited to:

A. Form, size and other aspects of subdivision, dedications and vacations of land;

B. Dimensions of lots or tracts;

C. Public rights-of-way including roads and trails, and easements for sewer lines, water lines, drainage courses and other public facilities and improvements;

D. Street width and configuration, including provisions for ditching and drainage;

E. Setbacks along streams used as water supply and along anatropous fish streams;

F. Establishment of parks and other public open space;

G. Setbacks along lot lines. (Ord. 87-01 § 2, 1987)

16.12.020 WAIVER PROVISIONS FOR LOTS OVER 5 ACRES.

The Designated Planning Official (DPO) shall, in individual cases, and in accordance with AS 29.40.090, waive the preparation, submission for approval, filing and recording of a plat upon satisfactory evidence that the subdivision meets the following requirements:

A. The subdivision will result in the creation of four or fewer lots, and each lot created by the subdivision will be at least five acres in size;

B. Each tract or parcel of land created will have legal and physical access to an existing street or public highway;

C. No dedication of a street, alley, thoroughfare, easement, right-of-way or other public area is involved or required;

D. No vacation of a public dedication of land, and no variance from a subdivision regulation is involved or required. (Ord. 17-05-16-03; Prior Ord. 87-01 § 3(part), 1987)

16.12.025 WAIVER PROVISIONS FOR LOTS UNDER 5 ACRES.

The Designated Planning Official (DPO) shall, in individual cases, wave planning commission review and approval upon satisfactory evidence that:

A. The subdivision or plat modification is to create an easement, adjust a lot line or divide and existing tract or parcel of land into no more than two tracts or parcels that comply with current zoning;

B. Each tract or parcel of land created will have legal and physical access to an existing street or public highway;

C. No dedication of a street, alley, thoroughfare, easement, right-of-way or other public area is involved or required;

D. No vacation of a public dedication of land, and no variance from a subdivision regulation is involved or required. (Ord. 17-05-16-03)

16.12.030 PROCEDURE FOR LOTS UNDER 5 ACRES.

A. The applicant shall submit a written application and an accurate map (at a scale not to exceed one inch equals fifty feet) of the area, showing the total property involved, proposed subdivision, existing development within five hundred feet, with dimensional and other information sufficient for a decision by the DPO.

B. The DPO shall be responsible for reviewing the waiver application to assure that it is complete and meets all of the provisions stated in section 16.12.025. No waiver shall be granted for a parcel that, in the DPO's judgment, is unsuitable for development due to geophysical hazards.

C. Upon approval of the waiver application by the DPO, a plat map shall be prepared containing all the platting and re and recording requirements as stated in Title 16.16. The original shall be recorded in the district recording office and a copy placed with the original waiver application and filed with the city clerk. (Ord. 17-05-16-03)

D. A nonrefundable fee, as set by resolution of the city council, shall be charged for reviewing and recording a waiver. (Ord. 87-01 § 3(part), 1987)(Ord. 15-12-15-01)

CHAPTER 16.16 SHORT PLATS

16.16.010 APPLICATION.

The short plat procedure may be used for the subdivision of a parcel into not more than a total of four lots.

A. An applicant for a short plat subdivision shall be required to submit the following to the designated planning Official :
   1. A nonrefundable short plat application fee as set by resolution of the City Council;
   2. Four neatly and accurately composed drawings (plat map) no larger than twenty-four inches wide by thirty-six inches long showing the proposed subdivision.

B. The plat shall be prepared by a professional land surveyor licensed to practice in the state of Alaska.

C. The plat maps shall contain the following information:
   1. The signature and seal of a land surveyor licensed to practice in the state of Alaska;
   2. A title block in the lower right-hand corner containing the following information:
      a) Proposed name of the subdivision,
      b) Horizontal scale not to exceed fifty to the inch,
      c) Date of application,
      d) Name and address of the property owner,
      e) Location of the subdivision by reference to U.S. survey numbers;
   3. A north arrow;
   4. The area and linear dimensions of each newly created lot;
   5. Topographic lines at twenty-foot intervals;
   6. The location of significant natural features such as, but not limited to, anadromous fish streams, existing material sites, wetlands and eagle trees;
   7. The location and flow of all-natural drainages and the location, type and purpose of all fabricated drainage improvements. (Ord. 87-01 § 4(part), 1987)

16.16.020 PROCEDURE.

A. Upon receipt of a completed application, the Designated Planning Official shall give appropriate notice that the application has been received and shall state a time by which the plat is to be reviewed. If the plat is not reviewed within sixty days of the date of submittal, it shall be automatically approved. If the application as received is not complete, it shall be rejected within two weeks after its submittal, with written indication of the manner in which it is incomplete; and the sixty-day review period shall not begin to run until a satisfactorily complete application has been received by the DPO.

B. If the Designated Planning Official determines that the subdivision as proposed is located in a geophysical hazard area or for some other reason may be detrimental to the public health, safety or welfare, or involves unusual factors, the Designated Planning Official shall treat the application as a preliminary plat submission and refer the plat to the platting board unless the applicant withdraws the plat. The applicant shall pay such additional fees as may be required for processing plats under the preliminary and final plat procedure.

C. All lots shall front on a dedicated right-of-way.

D. A new right-of-way dedicated as a part of a short plat shall meet the dimensional and other requirements for rights-of-way set out in this title.

E. Short plat subdivisions shall meet the design standards set forth in this title.

F. Short plat subdivisions shall meet the monumentation standards of this title.

G. If a plat is disapproved, the reasons shall be stated in writing. If a plat is approved, the plat shall be acknowledged and filed in accordance with AS 40.15.010 through 40.15.020. (Ord. 87-01 § 4(part), 1987)

CHAPTER 16.20 PRELIMINARY PLATS

16.20.10 APPLICATION.

A. An applicant for the preliminary plat shall be required to submit the following to the designated planning Official:
   1. A nonrefundable plat application fee as set by resolution of the City Council;
   2. Four neatly and accurately composed drawings (plat maps) no larger than twenty-four inches wide and thirty-six inches long showing the proposed subdivision.

B. The plat shall be prepared by a professional land surveyor licensed to practice in the state of Alaska.

C. The plat maps shall contain the following information:

   1. The signature and seal of a land surveyor licensed to practice in the state of Alaska;
   2. A title block in the lower left-hand corner containing the following information:
      a. Proposed name of subdivision,
      b. Horizontal scale not to exceed fifty feet to the inch,
      c. Date of application,
      d. Name and address of the property owner,
      e. Location of the subdivision by reference to U.S. survey numbers;
   3. A north arrow;
   4. The location of existing and proposed property lines;
   5. The size of each parcel created by the subdivision, expressed in square feet;
   6. 6. The linear dimensions of each lot created by the subdivision;
   7. Topographic lines at twenty-foot intervals;
   8. The location of significant natural features such as, but not limited to, anadromous fish streams, existing material sites, wetlands and eagle trees;
   9. The location and flow of all-natural drainages and the location, type and purpose of all fabricated drainage improvements;
   10. The location and type of all improvements;
   11. An inset map at a scale not to exceed one inch to one thousand feet, showing the location of the subdivision within the municipal limits of Thorne Bay;
   12. The Designated Planning Official may require that the applicant show the location of all new construction proposed to take place in the subdivision.

D. If the application and plat maps are not complete, they shall be rejected within two weeks after their submittal to the DPO, with written indication of the manner in which they are incomplete. (Ord. 87-01 § 5(part), 1988)

16.20.020 PROCEDURE.

A. Upon receipt of a completed application, the Designated Planning Official shall give appropriate notice that the application has been received and shall state a time by which the plat is to be reviewed. If the plat is not reviewed within sixty days of the date of submittal, it shall be automatically approved. If the application as received is not complete, it shall be rejected within two weeks after its submittal, with written indication of the manner in which it is incomplete; and the sixty-day review period shall not begin to run until a satisfactorily complete application has been received by the DPO. The Designated Planning Official shall assure preliminary plat compliance with the following requirements:

   a. All lots must front on a dedicated right-of-way, which may not be less than forty feet in width. The platting board shall also require the Landowner of the proposed subdivision to dedicate rights-of-way alongside yard lot lines where it finds such rights-of-way are needed to assure access and provide for public transportation corridors.

   b. Utility easements shall be dedicated by the Landowner along property lines wherein deemed necessary by the platting board. Width of the easements shall be minimum of twenty feet.

   c. All streams and watercourses used to provide domestic water shall be protected by a fifty-foot buffer on each side of the stream or watercourse.

   d. All anadromous fish streams shall be protected by a fifty-foot buffer on each side of the anadromous fish stream.

   e. Written approval from the Alaska Department of Environmental Conservation for domestic water supply and wastewater and sewage disposal systems. The applicant shall be required to submit the preliminary plat to the Department of Environmental Conservation for review. The platting board may approve a preliminary plat only after it has been reviewed and approved by the Department of Environmental Conservation.

   f. The drainage plan for the subdivision shall be designed so that no one lot becomes the destination for run-off waters from adjacent lots. Nor shall any lot be permitted whose surface area is twenty-five percent or more covered by a lake, bog, marsh, estuary, stream or creek.

   g. Elongated lots are discouraged. As a standard, the commission shall not approve lots where the length of the lot exceeds the width of the lot by four or more times.

h. All property under contiguous and common ownership shall be shown on the preliminary plat, even if only a portion of the property is being submitted for plat approval.

i. Structures subsequently located on approved platted lots shall be set back at least ten feet from the front and rear property lines and at least five feet from the side property lines.

B. The Designated Planning Official shall issue a notice of public hearing on the preliminary plat at least twenty-one days before the plat is scheduled for public hearing. Notice may be given in a local newspaper of general circulation or may be posted in a conspicuous public location. The notice must contain at a minimum, the location of the proposed subdivision, the number of lots created and the name of applicant. The platting board may add further information to the notice at its discretion. (Ord. 87-01 § 5(part), 1988)(ord. 15-12-15-01)

16.20.030 PLATTING BOARD ACTION ON PRELIMINARY PLAT.

A. After considering the preliminary plat, the planning commission sitting as the platting board shall take one of the following actions, and shall state the reasons for its action in writing:
   1. Approve the preliminary plat as submitted;
   2. Approve the preliminary plat with conditions;
   3. Deny the preliminary plat with cause.

C. Preliminary plat approval shall become nullified if the applicant has not subdivided the parcel within two calendar years of the date of approval of the preliminary plat. (Ord. 87-01 § 5(part), 1988)

16.20.040 ACTION FOLLOWING APPROVAL.

Upon platting board approval of the preliminary plat, the applicant may undertake certain activities prior to approval of the final plat. These activities are:

A. Completing required surveying and monumentation;

B. Complying with plat conditions required by the platting board as conditions of approval, including but not limited to physical improvements to the property such as land clearing, installation of drainage and identification of rights-of-way and easements. C. Preparing a reproducible Mylar of the plat as approved by the platting board. (Ord. 87-01 § 5(part), 1988)

CHAPTER 16.24 FINAL PLAT APPROVAL - SECTIONS

16.24.010 GUARANTEE OF REQUIRED IMPROVEMENTS.

Final plat approval shall be granted if the final plat, as submitted, conforms to the approved preliminary plat, and if the applicant has made or guaranteed to make all required improvements, and has completed all required surveying and monumentation. To assure that required improvements are constructed, the platting board may require the applicant to submit a surety bond or certified check with the final plat, in an amount equal to the cost of the improvements as determined by the platting board. The guarantee shall require completion of all improvements within twenty-four months of final plat approval. If the improvements are completed, the city will return the full amount of the guarantee to the applicant; if the improvements are not completed, the city shall construct (or complete the construction of) the improvements with the guarantee. Any amount of the guarantee in excess of the costs of completing the required improvements will be returned to the applicant; however, the applicant cannot be charged any amount in excess of the original guarantee. (Ord. 87-01 § 6(part), 1988)

16.24.020 FINAL PLAT SUBMITTALS.

The applicant must submit a reproducible black-line plat of the subdivision on a sheet of twenty-four inch by thirty-six-inch Mylar. The final plat must meet all the requirements for a preliminary plat map. The city shall keep a copy of the plat on file. The original shall be recorded in the district recording office. The following information shall appear on the final plat:

A. Certification of Ownership.

I (we) hereby certify that I am (we are) owners of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, and dedicate all easements, streets, alleys, walks, parks and other open spaces to public or private use as noted: Date , 20

i. Witness Owner
ii. Witness Owner
iii. Signature and seal of Notary

B. Certification of Registered Land Surveyor. The certification of registered land surveyor shall be as follows:

I hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and that this plat represents the survey made by me or under my direct supervision, that all dimensional and relative bearings are correct, and the monuments are set in place and noted upon this plat as present. Signature and Stamp;

C. Certification of Approval and dedication by the Board. The certification of approval by the board shall be as follows:

1. CERTIFICATION OF APPROVAL

   I hereby certify that the subdivision plat hereon has been found to comply with the subdivision requirements of the City of Thorne Bay, Alaska, and that said plat has been approved by the City Council, Resolution No. _____, dated _____, and the plat shown here on has been approved for recording at the Appropriate Recording Office in Alaska.

2. CERTIFICATION OF DEDICATION:

   The rights-of-ways and easements shown on said plat are here by dedicated to the public for public use. The acceptance of land for public use or public purpose does not obligate the public or any governing body to construct, operate or maintain improvements. The City of Thorne Bay assumes: no responsibility no responsibility to provide any summer or winter maintenance within any right-of-way or easement as shown on said plat. Dated , 20 Chairman, Thorne Bay Planning Commission;

D. Attest City Clerk, Thorne Bay Planning Commission. (Ord. 87-01 § 6(part), 1988)(Ord. 15-12-15-01)

CHAPTER 16.28 DESIGN STANDARDS AND IMPROVEMENTS

16.28.010 GENERAL PROVISIONS.

The design standards and other requirements of this section are intended to establish and define minimum standards for water, sewer and streets. (Ord. 87-01 § 7(part), 1987)

16.28.020 WATER SUPPLY.

A. Each lot within the proposed subdivision shall be connected to the city water system if any portion of the subdivision is within three hundred feet of a city water distribution line. B. If a city water system is not within three hundred feet of any portion of the subdivision, the applicant shall provide a water supply system which shall be reviewed by and meet the approval of the Alaska Department of Environmental Conservation.

B. Fire hydrants shall be installed in all subdivisions which are serviced by the city water system. (Ord. 87-01 § 7(1), 1987)

16.28.030 SEWER SYSTEM.

A. Where a city sewer line or sewer force main is within three hundred feet of any portion of the proposed subdivision, the applicant will be required to extend sewer service to the site and to each lot therein.

B. If a city sewer line or sewer force main is not within three hundred feet of any portion of the subdivision, the applicant shall provide an on-site sewage disposal system design which shall be reviewed by and meet the approval of the Alaska Department of Environmental Conservation. Applicant shall provide the City Planning Official with a copy of the DEC findings from their review and approval. (Ordinance 19-04-16-01)

C. The planning commission may require the applicant to install oversize water and/or sewer lines in order to accommodate probable and/or desirable future growth in the immediate vicinity. When such oversize lines are required, the applicant will be reimbursed for the excess cost in providing oversize utility lines above the costs of providing standard utility lines, in an amount to be approved by the planning commission and the city council. (Ord. 87-01 § 7(2), 1987)

16.28.040 STREETS.

A. General. Streets shall be designed and located in relation to existing and planned streets; in relation to topographical conditions and natural features such as streams; in consideration of public convenience and safety; and in a manner appropriate to the proposed uses of the subdivided parcel.

B. Types of Streets.

1. Major Streets. Major streets are streets which may have traffic signals at important intersections and typically have stop signs on the side streets. A major street, sometimes called an arterial, collects and distributes traffic to and from collector streets.

2. Collector Streets. Collector streets are streets which collect traffic from minor or local streets and connect with major streets or arterials.

3. Minor Streets. Minor streets are streets designated to provide access to abutting properties and are not meant or intended for through traffic.

4. Alleys. Alleys are secondary means of providing access to abutting properties and are not meant or intended for general traffic circulation. (Ord. 87-01 § 7(3), 1987)

16.28.050 RIGHTS-OF-WAY-PAVEMENT WIDTHS.

A. Street's rights-of-way shall be sufficiently wide to provide for existing pavement widths, future street expansion, sidewalks and access for installation and maintenance of street drainage facilities or other utilities. Rights-of-way shall not have structures built upon them.

B. Right-of-way width and surface width, unless otherwise specified by the planning commission, are:

1. Right-of-way Surface
2. Major streets 60 40
3. Collectors 50 35
4. Minor streets 40 24-36
5. Alleys 20 16-20

C. Grade. Street grade shall not exceed twelve percent. The minimum grade of all streets shall not be less than two percent to provide for proper drainage.

D. Sight Distances. A minimum sight distance, with visibility measured along the centerline of the street, shall be provided for both vertical and horizontal curves as follows:
    1. Minor Streets* All Others
    2. Horizontal 200 300
    3. Vertical 200 300 including cul-de-sacs

E. Tangents. A straight section of street at least one hundred feet in length shall be built between reverse curves on major and collector streets.

F. Cul-de-sacs. Cul-de-sacs shall have a maximum length of six hundred feet and a minimum width of forty feet with a turnaround diameter of eighty feet.

G. Intersections.
    1. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point.
    2. Offset intersections shall have a minimum distance of one hundred twenty-five feet between the centerlines of the intersecting streets. (Ord. 87-01 § 7(part), 1987)

CHAPTER 16.32 MONUMENTATION-VACATIONS-DEDICATIONS

16.32.010 MONUMENTATION.

The exterior corners of the subdivision, and all corners of each lot within the subdivision, shall be monumented with a 5/8" x 24" pipe or bar capped and marked. If a plat corner or a lot corner is identical with a United States Survey, a United States Mineral Survey or an Alaska Tidelands Survey, the primary monument shall be shown on the plat, or reestablished and shown if not found. (Ord. 87-01 § 8, 1987)

16.32.020 VACATIONS.

A. The city may vacate public property and turn it over to private ownership when it finds that the property is no longer needed for a public purpose or to promote the public welfare. The City may not vacate any dedicated land without all rights and title vested in the City or the landowner who offered the dedication granting all rights and title to the vacated land. The planning commission shall make a recommendation to the city council on property vacations, and the council shall decide whether or not a vacation is to be permitted.

B. All vacations of city-owned property shall be governed by the provisions of state law given in AS 29.40.140 through 29.40.160.

C. The planning commission shall hold a public hearing on the proposed vacation. Property owners adjacent to the property proposed for vacation shall be notified of the public hearing at least thirty days in advance of the hearing. Notice of the hearing shall also be posted in a conspicuous place in the community thirty days in advance of the hearing. (Ord. 88-35 § 4, 1988: Ord. 87-01 § 9, 1987)(Ord. 15-12-15-01)

16.32.030 DEDICATIONS OUTSIDE SUBDIVISION PROCESS.

A. Streets, utility easements and other forms of interests in land are routinely dedicated to public use by sub dividers as part of the subdivision process. In addition, the city may accept other property for dedication to public use and advancement of the public welfare, outside the process of approving a subdivision.

B. The planning commission shall hold a public hearing on the proposed dedication. Property owners adjacent to the property proposed for dedication shall be notified of the public hearing at least thirty days in advance of the hearing. Notice of the hearing

shall also be posted in a conspicuous place in the community thirty days in advance of the hearing.

C. The planning commission shall forward its recommendation to the city council, which shall decide whether or not to accept the dedication.

D. A plat of the dedication shall contain a short narrative explaining the purpose of the dedication and shall contain the donor's certificate of dedication to public use and contain the City's certificate of acceptance for public use and shall be submitted for recording at the district recorder's office. If the City is to assume responsibility for use and / or maintenance of the dedicated lands, all rights and title to the land being dedicated must be granted to the city. (Ord. 87-01 § 10, 1987)(Ord. 15-12-15-01)

CHAPTER 16.36 VARIANCES-APPEALS

16.36.010 VARIANCE REQUIREMENTS.

A variance from the requirements for this title may be granted only if the following conditions are met:

A. The granting of a platting variance will not be detrimental to the public health, safety or welfare, or injurious to adjacent property.

B. The conditions upon which the platting variance is based do not apply generally to the properties other than the property for which the variance is sought.

C. The tract to be subdivided is of such unusual size and shape or topographical configuration that strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

D. Implementation of the variance will not cause a violation of a state fire regulation adopted pursuant to AS 18.70.080. (Ord. 87-01 § 11(part), 1987)

16.36.020 VARIANCE PROCEDURE.

A. An application for a platting variance shall include:

1. A drawing of the plat or photocopy of the existing survey;

2. Proof of title of the applicant;

3. A written application in narrative form explaining the conditions, facts and reasons why a variance should be granted and why such facts and reasons constitute compliance with each of the requirements for variance as stated herein. Application shall be made to the city clerk, who shall forward the application to the platting board.

4. The platting board shall have the authority to grant or deny platting variances after holding a public hearing upon thirty days' notice. In granting or denying any platting variance, the platting board shall provide a full and complete disclosure, in writing, of its reasons for the decision.

B. The public hearing on the variance may be a part of the hearing on the preliminary plat itself. (Ord. 87-01 § 11(part), 1987)

16.36.030 APPEALS.

A. Any decision of the Designated Planning Official may be appealed to the platting board, any decision of the platting board may be appealed to the city council sitting as the board of adjustment, and any decision of the board of adjustment may be appealed to the superior court, provided a written notice of appeal is filed within thirty days after the decision being appealed is announced in writing.

B. Any concerned person aggrieved by a decision has a right to appeal that decision.

   1. An appeal to a body within the city hierarchy shall be filed with the city clerk together with an application fee of fifty dollars. The appeal shall contain a written narrative explaining the basis of any reasons for the appeal. The narrative shall be specific and concise.

   2. The body hearing the appeal shall first consider the record developed below and shall make its decision based on that record if the record is adequate. If the record below is not adequate, the body hearing the appeal shall hold a hearing (after public notice) to receive additional evidence from the appellant and other interested parties and shall reach its decision based upon the record below as supplemented by the additional evidence.

C. Any party who participated in the proceedings before the board of adjustment and is aggrieved by the resulting decision of the board of adjustment may appeal that decision to the superior court, provided:

   1. Notice of appeal is filed with the superior court no later than thirty days following the board of adjustment's issuance of its written decision; this time limit is jurisdictional; and

   2. The appellant pays the city, by depositing with the city clerk, the city's cost of preparing the entire record (including at transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense.

   3. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely on the record established in this title, pursuant to AS 29.40.060(b). (Ord. 87-01 § 12, 1987)

CHAPTER 16.40 VIOLATIONS-PENALTIES

16.40.010 PENALTIES AND REMEDIES

A. The owner or agent of the owner of land who publicly offers by any means to sell, transfer, or who sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and filed in accordance with this title is guilty of an infraction, and upon conviction is punishable by a fine of not more than $500 for each lot or parcel offered for sale, transferred, sold, or included in a contract to be sold.

B. No person may file or seek to have a plat filed unless it has been approved in accordance with this title. A person who knowingly violates this subsection is punishable upon conviction by a fine of not more than $500.

C. Each act or condition in violation of this title, or any term or condition of any plat or other entitlement under this title, and every day during which the act or condition occurs shall constitute a separate violation of this title.

16.40.020 CIVIL REMEDIES-PURSUANT TO AS 29.40.190.

A. The city or an aggrieved person may institute a civil action against a person who commits a violation under Section 16.40.010, or who violates a subdivision regulation contained in this title, or a term, condition, or limitation imposed by a platting authority. In addition to other relief, a civil penalty not to exceed one thousand dollars may be imposed for each violation.

B. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.

16.40.030 SUBDIVISIONS-VIOLATIONS/ ENFORCEMENT/ PENALTIES

Any person violating any provision of this chapter shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030

If a violation continues, each day's violation shall be deemed as a separate violation.

1.16.030 VIOLATIONS-SEPARATE OFFENSE.

Every act prohibited by Thorne Bay ordinances is unlawful. Failure to comply with any mandatory requirement of any ordinance is also unlawful. Unless another penalty is expressly provided by a Thorne Bay ordinance for any particular provision or section, each violation of this code is an infraction, punishable by a fine up to three hundred dollars ($300) per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense unless stated otherwise in any ordinance. (Ordinance 18-01-02-01; Prior Ord. 88-23 § 5(part), 1988)

1.16.031 SURCHARGE.

In addition to any penalty prescribed by law, a defendant convicted of violating a city ordinance shall pay the surcharge required under as 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the state of Alaska as required by as 29.25.074.

1.16.035 MINOR OFFENSE FINE SCHEDULE.

In accordance with as 29.25.070(a), citations for the following offenses may be disposed of as provided in as 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by as 12.55.039 and as 29.25.074.

FINES MUST BE PAID TO THE COURT.

If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska court system's rules of minor offense procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

VIOLATIONS-PENALTIES				
TBMC 16.40.010	SUBDIVISIONS-ILLEGAL SALES	OPTION	$500.00	

TBMC 16.40.010 (b)	SUBDIVISIONS-ILLEGAL FILING	OPTION	$500.00	
TBMC 16.40.030	SUBDIVISIONS-UNLAWFULLY SUBDIVIDED-VIOLATION OF TERMS	OPTION	$500.00	

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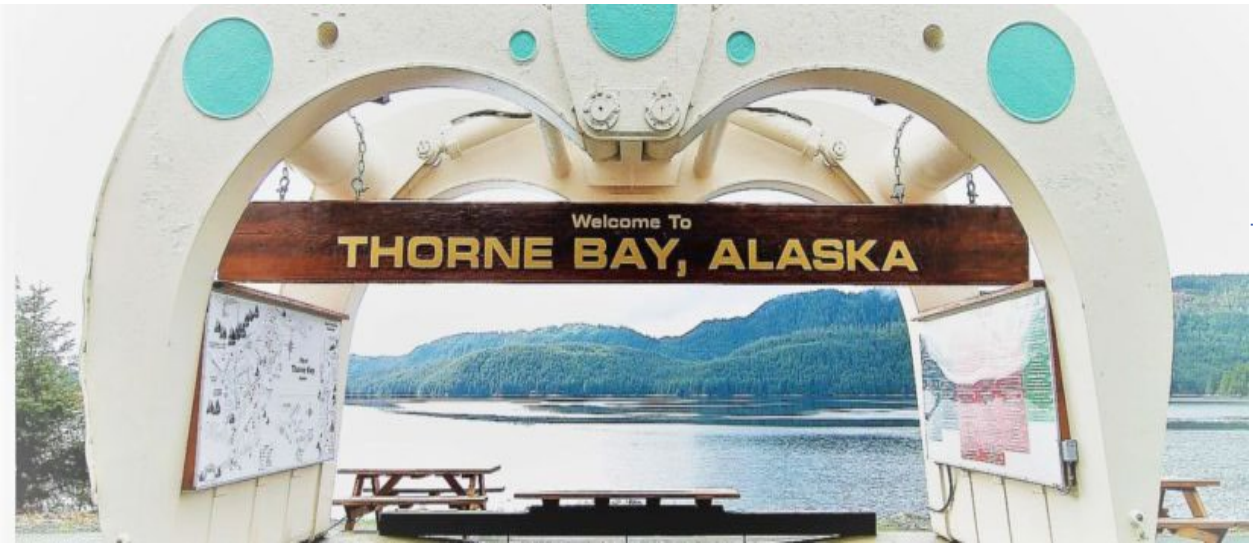


TITLE 17 - ZONING

Thorne Bay Municipal Code

Codified June 2023

TITLE 17 - ZONING:

CHAPTER 17.04 PLANNING AND ZONING 424
17.04.010 BUILDINGS AND LAND USE REGULATIONS.. 424
17.04.011 ADMINISTRATIVE PROVISIONS. 424
17.04.012 TITLE AND PERIOD OF EFFECTIVENESS. 424
17.04.013 PLANNING COMMISSION. 424
17.04.014 FEES. 425
17.04.015 DEFINITIONS. 425
17.04.020 ZONING DISTRICTS AND OFFICIAL ZONING MAPS. 435
17.04.021 ZONE BOUNDARY INTERPRETATION. 436
17.04.022 RESIDENTIAL ZONE. 437
17.04.023 DEER CREEK RESIDENTIAL. 440
17.04.024 MIXED RESIDENTIAL/COMMERCIAL I. 443
17.04.025 MIXED RESIDENTIAL/COMMERCIAL II. 445
17.04.026 MIXED RESIDENTIAL/COMMERCIAL III. 447
17.04.027 COMMERCIAL ZONE. 450
17.04.028 INDUSTRIAL ZONE. 453
17.04.029 WATERFRONT ZONE. 455
17.04.030 PUBLIC ZONE. 457
17.04.031 LOW DENSITY RESIDENTIAL. 459
17.04.032 MEDIUM DENSITY RESIDENTIAL. 461
17.04.033 HIGH DENSITY RESIDENTIAL. 463
17.04.034 GREENTREE HEIGHTS RESIDENTIAL. 465
17.04.036 MOBILE HOME PARKS. 468
17.04.040 COMMUNICATIONS-TELECOMMUNICATIONS FACILITIES. 472
17.04.037 RECREATIONAL VEHICLE AND TRAVEL TRAILER PARKS. 474
17.04.041 OFF-STREET PARKING REQUIREMENTS. 478
17.04.042 NONCONFORMING USES. 480
17.04.043 CONDITIONAL USE PERMITS. 481
17.04.044 SPECIAL USE PERMITS. 484
17.04.045 VARIANCE PROCEDURE. 486
17.04.046 AMENDMENTS TO THE ZONING TITLE INCLUDING REZONING. 489
17.04.050 ENFORCEMENT, VIOLATIONS AND PENALTIES. 491
17.04.060 APPEALS. 491
CHAPTER 17.06 - COMPREHENSIVE PLAN 498
17.06.010 ADOPTION-INCORPORATION BY REFERENCE. 498

CHAPTER 17.04 PLANNING AND ZONING

17.04.010 BUILDINGS AND LAND USE REGULATIONS.

For the purpose of promoting the public health, safety and morals, the city council shall, upon having received the recommendations of the planning commission, regulate the heights, number of stories, and size of buildings and other structures, the percentage of the lot that may be covered, the size of yards, courts and other open spaces, the density of population, the setback of buildings from property lines, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and may enact a building code regulating minimum construction, heating, lighting and other requirements and specifications within districts of the city, defining offenses and prescribing punishment for their violation. (Ord. 93-23 § 6(part), 1993)

17.04.011 ADMINISTRATIVE PROVISIONS.

A. The chief executive officer shall appoint, and the city council shall confirm a city zoning official to administer and enforce this title.
B. The planning commission shall perform all planning functions pursuant to Alaska Statutes 29.33 and this title, including serving as the platting board pursuant to Alaska Statutes 40.15.
C. The city council shall sit as the board of adjustment pursuant to this title and to Alaska Statutes 29.40.050.
D. The chief executive officer shall serve as the city zoning official until such time as he appoints, and the city council confirms another to perform that function. (Ord. 93-23 § 6(part), 1993)

17.04.012 TITLE AND PERIOD OF EFFECTIVENESS.

A. This title shall be known as and may be cited as the "City of Thorne Bay Zoning Code."
B. This title and the official Zoning Maps shall become effective immediately after adoption by the city council.
C. This title shall remain in force until repealed. (Ord. 93-23 § 6(part), 1993)

17.04.013 PLANNING COMMISSION.

Refer to Chapter 2.48 of the Thorne Bay Municipal Code. (Ord. 93-23 § 6(part), 1993)

17.04.014 FEES.

The city council, by resolution, may establish fees for land use actions of permits as it deems necessary. (Ord. 93-23 § 6(part), 1993)

17.04.015 DEFINITIONS.

Interpretation of words not listed: when a word or term is not specifically stated, the city shall have authority to interpret the meaning based on the most appropriate dictionary definition.

A

"ABANDONMENT" means a use of which has not been operated or maintained for one year or more. Regarding buildings, a structure that has not been occupied or used and maintained for one year or more.

"ACCESSORY TO" means a use not essential to the primary use but adds to the convenience or efficiency of the primary use.

"ACCESSORY USES OR ACCESSORY BUILDINGS" means buildings or uses usually associated with primary uses but are detached from the main building. Accessory buildings or uses associated with Residential zones are clearly subordinate to the primary use and include, but are not limited to, storage sheds, woodsheds, workshops, greenhouses, smokehouses and noncommercial garages. Accessory uses, or buildings associated with commercial or industrial zones are also subordinate or secondary to the primary use and include but are not limited to administrative offices, watchman's quarters, bunkhouses, decks, etc.

"ALTERATION" means any change, addition or modification in the construction, location or land use classification.

"AGENCIES AFFECTED" means agencies which regulate or have responsibility for areas which may be affected by land use actions or activities. Affected agencies include but are not limited to:

1. City fire department;
2. Alaska Department of Fish and Game;
3. Alaska Department of Environmental Conservation;
4. Alaska Department of Natural Resources;
5. Alaska Department of Transportation and Public Facilities;
6. U.S. Forest Service;
7. U.S. Fish and Wildlife;
8. U.S. Army Corps of Engineers;

9. City utilities;
10. T.U. of the Northland - PTI Communications.

"AVERAGE GROUND LEVEL" means the mathematical average of eight evenly distributed points of elevation around the building.

B

"BED AND BREAKFAST" means a use that is subordinate to the principal use of a single-family dwelling in that transient guests are provided a sleeping room and sometimes board in return for payment. Bed and breakfast operations do not include accessory commercial uses. Other commercial uses are considered a separate use and are not part of the bed and breakfast.

"BOARDING HOUSE" means a building other than a motel or hotel that is provided for compensation for three or more persons, with or without meals, on other than a day-to-day basis, and that is not open to transient guests.

"BUILDING" means any structure built for the livelihood, shelter or enclosure of persons, animals or property of any kind.

"BUILDING HEIGHT" means building height shall be measured from mid-point along the lot line from which the lot and building site are accessed.

"BUNKHOUSE" means a boarding house whose principal clients are generally employees of a single workforce.

C

"COMMERCIAL" means the purchase, sale, rentals other than Residential uses, or other transactions involving the handling or management of an item, substance or commodity or service for compensation or profit.

"COMMUNITY EDUCATION" means educational services provided by public, private and parochial schools.

"COMMUNITY RECREATION" means recreational facilities including but not limited to bowling alleys, skating rinks, health clubs and spas, aerobic studios, hand ball or racquetball courts and other indoor or outdoor related uses that do not generate excessive dust, noise or other related objectionable pollutants or hazards.

"CONDITIONAL USE" means a land use in a zoning district that is not specifically permitted but may be compatible with existing and proposed uses under certain conditions.

"CUL-DE-SAC" means a short street with one end open to traffic and terminated at the other end by a vehicle turnaround.

D

"DAY CARE FACILITY" means a home or separate facility that provides day care for more than five children. Day care of five children or less is defined as a home occupation.

"DENSITY" for Residential use means the number of living units per area, and/or number of living units per structure. "Density" for commercial use means the number of discreet business activities classifications per area, as defined by the Alaska Department of Community and Economic Development.

"DEVELOPMENT" means the action of subdividing, activity involving building, timber and mining operations, excavating, or the construction, relocation or the creation of any change in a structure or use of land.

"DISTURBANCE" means any use that causes recurring noise, vibration, dust, odor, smoke or other disorderly commotion detectable for two hundred feet from the boundaries of the originating premises. This does not include warning devices, temporary construction and maintenance work, air taxi and other special circumstances during working hours.

"DUPLEX" means two habitable dwelling units contained in one building.

"DWELLING" means a building, or any portion thereof designed or used exclusively for Residential occupancy. This includes one, two and multiple-family dwellings but does not include other structures where people may be housed, such as bunkhouses, etc.

"DWELLING UNIT" means a building or any portion thereof designed for the separate living quarters for a single-family unit.

E

"EQUIPMENT - LIGHT" means small equipment typically owned by the general public for noncommercial, personal use, including but not limited to noncommercial trucks, cement mixers, rototillers, lawn mowers, small engines or generators.

"EQUIPMENT - HEAVY" means heavy construction equipment not often owned by the general public for personal use, including but not limited to trucks over two tons, large commercial construction equipment and similar equipment.

"ESSENTIAL SERVICES" means services that are needed to facilitate development, usually utility orientated, such as sewer lines, water lines, power lines and poles, pump/lift stations.

"EXCESSIVE" means to a degree that is exceeding the usual level of operation. May be to a degree injuring the public health, safety and welfare.

F

"FENCE HEIGHT" means the vertical distance between the ground directly under the fence and the highest point of the fence.

"FOUNDATION" means the underlying natural or prepared base for the permanent support of a structure.

"FRONT YARD" means a yard extending across the full width of the lot measured between the front lot line of the lot and the front building line.

G

"GOVERNMENT COMPLEXES" means U.S. Forest Service compound and maintenance facility, city offices.

"GRADE" means the average level of the finished ground at the center of all walls to a building.

"GROUP RESIDENTIAL" means boarding houses of four or more rental rooms, bunkhouses of five or more bed spaces, foster care homes with more than five foster children, retirement homes and other similar type uses.

H

"HAZARDS" means uses that may cause danger due to an explosion, fire, visual obstruction or other causes.

"HOME OCCUPATION" means a non-Residential use conducted in a dwelling unit providing that:

1. The home occupation shall be clearly incidental and subordinate to its Residential use, have no employees and not have more than fifty percent of its floor area used for the home occupation.
2. There shall be no change in the outside appearance of the residence and no other visible evidence of non-Residential use on the premises except for a sign that is not illuminated and mounted flush against the building.
3. No traffic or parking needs shall be created by the home occupation in greater volume than that which would normally be found in the neighborhood and all parking shall be provided off street and on the premises.
4. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site of the home occupation.
5. Day care of six children or less shall be considered a home occupation.

"HOTEL/MOTEL" means any building or group of buildings that has a principal use of one or more guest rooms for the purpose of offering lodging to the general public on a temporary basis.

" I "

"INDUSTRIAL" means an activity that includes manufacturing, processing, warehousing, storage, shipping, distribution or the reduction of any article, substance

or commodity or any other treatment that changes the characteristics or appearance of the article, substance or commodity.

"INDUSTRIAL, LIGHT" or "light industrial" means industrial uses of a nature which do not produce dust, traffic, noise, odor, vibration or other objectionable pollutants of a significantly greater intensity or duration of those commonly associated with surrounding land uses.

J

"JUNKYARD" means any lot or part of a lot that is used for the keeping, storage, dismantling, demolition, wrecking or sale of abandoned, junked, used or unlicensed vehicles, boats, appliances, machinery or other scrap such as metal, wood, plastics, etc.

K

"KENNEL" means, for payment, the keeping of household pets for a limited period of time.

L

"LODGES AND RESORTS" means a structure or group of structures whose principal use is to provide housing, entertainment, and/or recreation.

"LOT" means a parcel of land having right-of-way access.

"LOT OF RECORD" means any lot subdivided or existing prior to the adoption of this title.

"LOT AREA" means the total area within the lot lines of a parcel of land, or a lot.

"LOT, CORNER" OR "CORNER LOT" means a lot situated at the junction of and bordering on two intersecting streets.

"LOT COVERAGE" means the percentage of the total lot area covered by buildings or structures of any type or size.

"LOT DEPTH" means the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

"LOT LINE, FRONT" OR "FRONT LOT LINE" means the lot line separating the property from the street or right-of-way. On a corner lot, the line separating the street on which the proposed or existing development will face.

"LOT LINE, REAR" OR "REAR LOT LINE" means the lot line that is opposite and most distant from the front lot line.

"LOT LINE, SIDE" OR "SIDE LOT LINE" means the lot lines between the front and rear lot lines.

"LOT, SUBSTANDARD" OR "SUBSTANDARD LOT" means a lot whose area or width is less than that required by the zone in which it is located.

"LOT, THROUGH" OR "THROUGH LOT" means a double street frontage lot, a lot having a frontage of two streets or rights-of-way.

"LOT WIDTH" means the horizontal distance separating the side lot lines measured at right angles to the lot depth.

M

"MARIJUANA" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufactured, slat, derivative, mixture, or preparation of the plant, its seeds, or its resins, including marijuana concentrate.

"MARIJUANA" does not include fiber produced from the stalks. Oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"MARIJUANA ESTABLISHMENT" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

"MARIJUANA CULTIVATION FACILITY" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facility, and to other marijuana cultivation facilities, but not to consumers.

"MARIJUANA CULTIVATION FACILITY LIMITED" means a marijuana cultivation facility with fewer than 500 square feet under cultivation.

"MARIJUANA PRODUCT MANUFACTURING FACILITY" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana store, but not to consumers.

"MARIJUANA PRODUCT MANUFACTURING FACILITY, EXTRACT ONLY" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana concentrate; and sell marijuana concentrate to other marijuana product manufacturing facilities and t retail marijuana store, gut not to consumers.

"MARIJUANA RETAIL FACILITY" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

"MARIJUANA TESTING FACILITY" means an entity registered to analyze and certify the safety and potency of marijuana.

"MARIJUANA PRODUCTS" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are

intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. (Ordinance 17-06-06-01)

"MEASUREMENT, MOBILE HOME OR TRAVEL TRAILER LENGTH" means the length shall be measured from the tip of the tongue of the mobile home or trailer to the rear corner of the structure.

"MOBILE HOME" means a structure that is transportable in one or more sections in which the traveling mode is eight feet or more in width and forty feet or more in length, or when erected on site is three hundred twenty square feet or more. The structure is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when the plumbing, heating, and electrical systems contained are connected to the required utilities. A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a recreational vehicle or modular home.

"MOBILE HOME PARK" means three or more mobile homes placed on one lot or parcel.

"MOBILE HOME SPACE" means a designated portion of a Mobile home park designed for the accommodation of one Mobile home and its accessory buildings for the exclusive use of its occupants.

"MODULAR HOME" or "MODULAR BUILDING" means a prefabricated structure, distinguished from a mobile home in that it is designed and constructed so as to be permanently sited.

"MOTOR HOME" means a factory-built portable dwelling powered by its own motor to be used for travel, recreation and vacation uses that contains sleeping, cooking, sanitary and plumbing facilities.

N

"NECESSARY" means absolutely needed or required.

"NONCONFORMING STRUCTURE" means any structure lawfully existing at the effective date of this title that does not conform to the regulations of the zone in which it is located.

"NONCONFORMING USE" means any use lawfully existing at the effective date of this title which does not conform to this title.

O

"ORGANIZED PUBLIC OR PRIVATE MEETING PLACE" means a residence or separate structure used for a gathering place for organized events such as meetings, religious activities or services such as customarily occur in synagogues, temples, and churches, and other scheduled organized events.

"OWNER OF RECORD OR RECORD OWNER" means owner or recorded purchaser of record according to the system of land title recording established pursuant to Alaska Statutes 44.37.

P

"PARKING SPACE" means a space for parking an individual passenger motor vehicle approximately nine feet by twenty feet in size.

"PRINCIPAL USE" means the major or predominant use of a lot or parcel.

R

"RECREATIONAL VEHICLE" means a vehicular unit, other than a manufactured home, whose gross floor area is less than three hundred twenty square feet, which is designed as temporary lodging for travel, recreational and vacation use, and that is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, and fifth-wheel trailer. A recreational vehicle shall not be construed to be a mobile home. Recreational vehicles shall not be used as a short term or long-term residence, unless it is located in an approved rv park or has obtained a special use permit or parking permit. (Ord. 18-08-21-04 § Part)

"RELIGIOUS ASSEMBLY" means a structure of which the primary purpose is to accommodate religious services such as customarily occur in synagogues, temples and churches for the purpose of worship.

"RESIDENCE" means the dwelling unit where one actually resides; one's home.

"RESIDENTIAL" means use of a building for living, cooking, and sleeping; a use as one's residence.

"RETAIL SALES AND RENTALS" means businesses that are primarily engaged in the sale and or rental of commonly used and accepted goods and merchandise, which do not generate excessive controversy, noise, pollutants or pose potential hazards to health and safety. This type of use includes but is not limited to gift shops; appliance sales; bookstores; department stores; general stores; flower shops; pet stores; music

and video stores; bakeries; grocery stores; sport fishing sales; hardware stores; secondhand stores; etc.

S

"SETBACK" means the minimum horizontal distance between a lot line and any permanent structure (excluding roof eaves); the mean high-water mark of a stream or body of water and a specific distance.

"SIGN" means any words, letters, numbers, phrases, sentences, trade names or trademarks by which anything is made known, such as are used to designate an individual, firm, association, corporation, profession, business, commodity or product which are visible from any public street or highway and used to attract attention.

"STREET" means a public right-of-way used as thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.

"STICK-BUILT" means any on-site construction of a permanent nature, not including mobile homes or modular homes.

"STRUCTURE" means anything that is built, constructed, composed, or erected, that is located on or under the ground, or attached to something fixed to the ground. This includes decks and porches that are eighteen inches or higher above grade.

T

"TEMPORARY STRUCTURE" means a structure that will be located on a lot for less than one year.

"TRIPLEX" means a structure or portions thereof designed for the occupancy of three families living independently.

"TRAILER COURT OR PARK" means a tourist facility for parking motor homes and travel trailers.

"TRAVEL TRAILER" means a portable dwelling or vehicular structure designed to be towed on highways by another vehicle, designed, and intended for short-term occupancy for travel, recreational and vacation use. Includes pick-up campers.

U

"USE" means the purpose of which land or a building is arranged and designed or intended, or for which land or a building is or may be occupied or maintained.

"USES - WATER DEPENDENT" means a use or activity that can be carried out only on, in or adjacent to water area because the use requires access to the water body.

"USES - WATER RELATED" means a use or activity which is not directly dependent on access on to a water body but which provides goods or services that are directly associated with water-dependent uses and which, if not located adjacent to water would result in a public loss of quality in the goods or services offered.

"UTILITY SUBSTATION" means an area where electricity is transformed or changed, including but not limited to changing one voltage to another, or from one set of wiring to another, gear switching, etc.

V

"VARIANCE" means an exception to a standard of a zoning district but not to the use restriction of the zone.

"VIEW SHED" means affording a view, usually of a landscape. That which is exposed in the line of sight or lying within the range of vision. (Ord. 99-27 § 6, 1999: Ord. 93-23 § 6(part), 1993)

17.04.020 ZONING DISTRICTS AND OFFICIAL ZONING MAPS.

Zoning Districts and Zoning Maps. The city is divided into the following zoning districts:

1. Residential;
2. Deer Creek Residential;
3. Mixed Residential/commercial I;
4. Mixed Residential/commercial II;
5. Mixed Residential/commercial III;
6. Commercial;
7. Industrial;
8. Waterfront;
9. Public;
10. Low density Residential;
11. Medium density Residential;
12. High density Residential.

Zoning Maps. The above zoning districts shall be denoted and defined as shown on maps entitled official Zoning Maps of the city, a certified copy of which will be on file with the city clerk.

Map Changes. No changes of any nature shall be made to the official Zoning Maps except in conformity with procedures set forth in this title. Copies of these maps may be made and published in certain planning documents, however, the official zoning map on file with the city clerk shall be the final authority as to the current zoning of the land.

Map Replacement. In the event that the official Zoning Maps becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the planning commission may, by resolution, adopt new official Zoning Maps that will supersede the prior official Zoning Maps. (Ord. 96-22 § 3, 1996; Ord. 93-23 § 6(part), 1993)

17.04.021 ZONE BOUNDARY INTERPRETATION.

The following will be the interpretation of zone boundaries when an uncertainty exists on the zoning map:

1. When boundaries appear to follow centerlines of streets, roads, alleys or highways, it will be determined that such centerline is the boundary.
2. When boundaries appear to follow platted lot, subdivision or survey lines, it will be determined that such line is the boundary.
3. When boundaries appear to follow coastlines, lakeshores or rivers, it will be determined that such line follows the coastline, lakeshore or river.
4. In the case of encumbered land and un-subdivided property where there are no survey lines, boundary dimensions shall be determined by the scale on the official zoning map.
5. When a public right-of-way is officially vacated, the zone and regulations applicable to each parcel of abutting property shall apply to that portion of such street that has been officially vacated. When two different zones abut the vacated right-of-way, the centerline will split the difference in property and each piece of vacated right-of-way will acquire the zone of the respective abutting parcel.
6. In other circumstances not covered by this section, the planning commission shall interpret the zoning boundary. (Ord. 93-23 § 6(part), 1993)

17.04.022 RESIDENTIAL ZONE.

The purpose of the Residential zone is to maintain property values and to provide for aesthetically pleasing neighborhoods by permitting single-family houses, duplexes and modular homes with a limited range of compatible uses.

Development plans are required for all development within the Residential zone conforming to applicable standards of Section 15.04.020.

A. Uses Allowed in Residential Zone Without Special Permitting.

1. Single-family houses or duplex;
2. Modular homes or modular duplex;
3. Mobile homes;
4. Home occupation or business;
5. office in home;
6. Accessory buildings for private/Residential uses such as garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat, trucks;
7. Visiting travel trailer or motor home occupied by guests of the residence up to 30 days.
   i. Over 30 days requires prior approval from the planning official
   ii. Over 60 days requires conditional use permit 17.04.022 (b)(8)
8. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities). (Ordinance 18-08-21-04 § Part 7)

B. Uses Considered in Residential Zone With Conditional Use Permitting.

The purpose of a conditional use is to provide for uses that may be suitable in certain locations within this zone but not all locations. Conditional uses must meet certain criteria before obtaining approval.

1. Religious assembly;
2. Electrical utility substations, pump/lift stations;
3. Day care center or facility;
4. Bed and breakfast;
5. Parking a truck or other equipment over two tons;
6. Home occupation or business in accessory building;
7. Building or buildings housing three units or more.
8. Travel trailer or motor home occupied by guests of the residence over 60 days but not to exceed 180 days). (Ordinance 18-08-21-04 § Part 8)

C. Uses Prohibited in Residential Zone.

1. All uses not listed as allowed uses outright or through conditional use permit process.
2. The keeping of animals for profit or for more than personal use; keeping of large animals such as cattle, pigs, horses and goats; the keeping of more than four dogs with the exception of puppies; keeping of roosters or other noisy livestock.

D. Property Development Standards.

1. Minimum lot size: Seven thousand five hundred square feet.
2. Parking: Two off street parking areas required for each living unit.
3. Setbacks: Ten feet from all lot lines, fifteen feet from road rights-of-way.
   a) In addition, development on corner lots shall not impede visibility.
4. Building heights: thirty-five feet.
5. Density:
   a) Single family-minimum of seven thousand five hundred square foot lot size.
   b) Multifamily; a minimum of seven thousand five hundred square feet lot size for the first unit and five thousand square feet addition lot size for each additional unit.
   c) Uses other than Residential: no more than one principal structure.
   d) Maximum lot coverage for all structures fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
6. Fences, Walls and Hedges: Fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and Fences shall not obstruct vehicular visibility.

E. Property Development Standards for Tract B.

1. Single-family residences or duplexes only are allowed on lots 1 through 6, stick-built on permanent foundations.
2. Modular or mobile homes are allowed on lots 7 and 8 that conform to the following:
   a. Minimum twenty feet wide with seven hundred fifty square feet of living space;
   b. Minimum three to twelve pitch roof;
   c. tongue and axles must be removed;
   d. Wood or wood appearance siding required;
   e. Must be skirted so that structure gives a stick-built appearance.
3. Lots may not be subdivided.
4. Signs are prohibited except for one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property.

5. All driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve-foot width on top and perpendicular to the road. All driveways shall have culverted a minimum of twelve inches in diameter where drainage requires as determined by city maintenance, the city council or the planning commission.
6. Animals, livestock or poultry may not be raised, kept or bred on any lot except up to a total of four dogs, cats, or other normal household pets, provided they are not kept, bred or maintained for any commercial purposes. All animals shall be restrained.
7. The minimum setbacks shall be twenty feet from road rights-of-way and ten feet from rear and interior lot lines, including attachments and outbuildings. (Ord 17-08-15-01, Prior Ord: 00-03 § 4, 2000: Ord. 93-23 § 6(part), 1993)

17.04.023 DEER CREEK RESIDENTIAL.

The purpose of this zone is to create an aesthetically pleasing residential subdivision consisting of permanent single-family housing. Lot DC-14B shall be exempt from this title for the duration of municipal ownership.

Development plans are required for all development within the Deer-Creek residential zone conforming to applicable standards of Section 15.04.020.

A. Uses Allowed in High Density Residential Zone Without Special Permitting.

1. Stick-built single-family residences built on permanent, continuous foundations with a minimum one-foot width, or treated pile driven foundations or concrete sonatube foundations;
2. Home occupation or office in home;
3. Accessory buildings for private residential uses such as garage, shed, greenhouse, smokehouse, private storage of a recreational vehicle, travel trailer or recreational boat;
4. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities);
5. Bed and breakfast: two rental rooms or less;
6. Visiting travel trailer or motor home occupied by guests of the residence up to 30 days.
    i. Over 30 days requires prior approval from the planning commission.
    ii. Over 60 days requires conditional use permit 17.04.022 (b)(8)
7. Multifamily housing on lot 15b. (Ordinance 18-08-21-04 § Part 6.i)

B. Uses Considered in Deer Creek Residential Zone with Special Permitting.

1. Guest cabins, lodge on lot 15b;
2. Restaurant/lodge on lot 15b;
3. Moveable construction trailer or travel trailer for residential use during construction of permanent residential structure. Conditional use permits shall be issued for one year with an annual review if necessary;
4. Bed and breakfast: over two rental rooms;
5. Structures and fences built above the maximum height limit;
6. Marine sales and repair services;
7. Telecommunications facilities, towers, and/or antennas.

C. Uses Prohibited.

1. Subdivision;
2. Private garbage pits;
3. Storage of heavy equipment;
4. Storage of derelict vehicles or unsightly accumulation of personal property;
5. The raising of animals, livestock and poultry except normal household pets of up to four dogs and cats and their litters, provided that they are not kept, bred or maintained for commercial purposes.

D. Property Development Standards.

1. Minimum lot size: fifteen thousand square feet.
2. Parking: all parking shall be off-street and on the premises.
3. Setbacks: twenty feet from road right-of-way, ten feet from rear and interior lot lines for lots DC1 through DC8. Beach front lots DC9b through DC15b, ten feet from road right-of-way, rear and interior lot lines. Pile driven and concrete sonatube foundation driveways shall be exempt from the setback requirement on beach front lots.
4. Building heights: thirty-five feet.
5. Density: single-family residences only.
6. Utilities: all dwellings must be connected to municipal water, and sewer utilities prior to occupancy.
7. Access.
   a. Driveways. Driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve feet width on to and perpendicular to the centerline of the platted right-of-way on beach front lots only (lots DC9b through DC15b). A driveway site plan shall be required for planning commission review for lots DC1 through DC8. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance.
   b. All property must be accessed by platted public right-of-way. Property owners may access lots from public access easement with knowledge that easement will not be maintained by the city. The public access easement must remain open and unblocked but is not required to be maintained by the property owner. The public access easement shall be restricted to foot traffic only.
8. Building requirements: all single-family residences shall contain not less than seven hundred fifty square feet of floor space, excluding garages and open porches.
9. Signs: signs shall not be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent and a

sign limited to equal size showing ownership of the property or advertising a home business.

10. Fences, walls or hedges may be built up to six feet in height up to the property line. Fences shall not obstruct vehicular visibility. (Ord. 17-08-15-01; Prior Ord. 94-05 § 3, 1994; ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

17.04.024 MIXED RESIDENTIAL/COMMERCIAL I.

The purpose of this zone is to maintain property values and to provide for aesthetically pleasing neighborhoods by permitting single-family houses, duplexes, and modular homes with a limited range of compatible uses.

Development plans are required for all development within the Mixed Residential/Commercial I Zone conforming to applicable standards of Section 15.04.020.

A. Uses Allowed in Mixed Residential/Commercial I Zone Without Special Permitting.

1. All uses allowed in section 17.04.022 Residential zone, part "a".
2. Community recreation including parks, beaches, open space, and buffer strips;
3. Bed and breakfast with 2 or less guest rooms;
4. Home occupation or home business in accessory building.

B. Uses Considered in Mixed Residential/Commercial I Zone with Conditional Use Permitting.

1. All uses allowed in section 17.04.022 Residential zone, part "b" not allowed outright in part a of this section.
2. The keeping of animals for profit or for more than personal use, the keeping of more than four dogs with the exception of puppies;
3. Administrative services and offices;
4. Banks and other financial institutions;
5. Building material retail and supply;
6. Lodges and resorts;
7. Hotels and motels;
8. Laundromat, laundries and dry cleaning;
9. Lodges of fraternal orders, labor and social organizations;
10. Restaurants and other eating establishments;
11. Restaurants, bars and taverns that serve alcoholic beverages;
12. Retail sales outlets (stores);
13. Mini-storage units (maximum of 200 square feet per unit;
14. Marine sales;
15. Hair salons;
16. Post offices;
17. Community buildings and community indoor and outdoor recreation facilities;
18. Communication facilities;
19. Telecommunication facilities, towers, and/or antennas

C. Property Development Standards.

1. Minimum lot size: four thousand five hundred square feet.
2. Minimum lot width: forty feet.
3. Parking: all parking will be off-street and on the premises. Dwelling units, including new apartments, duplex, triplex or multifamily completed after the adoption of this title shall provide off-street parking as required in Section 17.04.041.
4. Setbacks: five feet from all lot lines and ten feet from road rights-of-ways. In addition, development on corner lots shall not impede vehicular visibility.
5. Building heights:

a. A maximum of thirty-five feet as defined in the definitions for "building height". Severe slopes may be grounds to seek a variance from building height limitations.

6. Density:

   a. Single family: a minimum of four thousand five hundred square foot lot size.
   b. Multi-family: a minimum of four thousand five hundred square feet for the first unit and two thousand square feet for each additional unit lot size.
   c. For uses other than Residential, no more than one principal structure.
   d. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
   e. Temporary structures are not subject to section 17.04.024(f)(6)(c).

7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Signs. Five by five-foot maximum signs flush against a building, signs on post or swinging sign: two by three feet maximum.
9. Landscaping or view obscuring screening may be required. (Ordinance 17-08-15-01, Prior Ord. 99-26 § 6(part), 1999; Ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

17.04.025 MIXED RESIDENTIAL/COMMERCIAL II.

The purpose of this zone is to provide for an aesthetically pleasing neighborhood and to maintain property values by permitting single-family houses, duplexes and mobile homes plus accommodating present mixed commercial uses.

"Development Plans" are required for all building within the mixed Residential/Commercial II Zone conforming to the applicable standards of Section 15.04.020.

A. Uses Allowed in The Mixed Residential/Commercial II Zone Without Special Permitting.

1. All uses allowed in section 17.04.022 Residential Zone Part "A" Permitted Uses
2. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but used in association with permitted or conditionally approved commercial uses. (Ordinance 18-08-21-04 § Part a)

B. Uses considered in mixed Residential/commercial II zone with conditional use permitting.

1. All uses allowed in section 17.04.024 mixed Residential/Commercial I, part "b" not allowed outright in part (a) of this section.
2. Electrical utility substations, pump/lift station;
3. Day care center or facility for 6 or more children;
4. Multifamily structure (more than 2 units);
5. Structure or fence built above the maximum height limit.
6. Government and education complexes, including libraries, museums;
7. Light equipment sales and rentals;
8. Clinics and other medical offices and facilities;
9. Storage units;
10. Auto, marine and light equipment repair;
11. Veterinary office;
12. Post office;
13. Fire and emergency service buildings;
14. Nursing and convalescent homes, group Residential facilities, children's homes;
15. R.V. park;
16. Bed and breakfast with 5 or more guest rooms;
17. Telecommunications facilities, towers, and/or antennas.

(Ord. 23-06-13-01)

C. Property Development Standards.

1. Minimum lot size: seven thousand five hundred square feet.
2. Minimum lot width: fifty feet.
3. Parking: all parking will be off-street and on the premises. Dwelling units, including new apartments, duplex, triplex or multifamily completed after the adoption of this title shall provide off-street parking as required in section 17.04.041
4. Setbacks: five feet from all lot lines and ten feet from road rights-of-ways. In addition, development on corner lots shall not impede vehicular visibility.
5. Building heights: A maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes maybe grounds to seek a variance from building height limitations.
6. Density:
    a. Single family: a minimum of seven thousand five hundred square feet lot size
    b. Multifamily: a minimum of seven thousand five hundred square feet for the first unit and three thousand square feet for each additional unit lot size.
    c. For uses other than Residential, no more than one principal structure.
    d. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
    e. Temporary structures are not subject to Section 17.04.025(F)(6)(c).
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Signs. Five by five-foot maximum sign flush against a building, signs on post or swinging sign two by three feet. (Ord. 17-08-15-07; Prior Ord. 99-26 § 6(part), 1999; Ord. 93-23 § 6(part), 1993) (Ord. 17-08-15-01)

17.04.026 MIXED RESIDENTIAL/COMMERCIAL III.

The purpose of this zone is to be as open and unrestrictive as possible by allowing many different, compatible uses, yet still provide protection to all property owners in the subdivision.

Development plans are required for all development within the Mixed Residential - Commercial III zone conforming to applicable standards of Section 15.04.020.

A. Uses Allowed in Mixed Residential/Commercial III Zone Without Special Permitting.

1. All uses allowed in section 17.04.025 mixed Residential II, part “a”.
2. Travel trailer or motor home;
3. Telecommunications facilities, towers, and/or antennas.

B. Uses Considered in Mixed Residential/Commercial III Zone With Permitting.

Any uses listed as permitted or conditionally permitted in the Commercial Zone I, II, III, Public Zone, Waterfront Zone, Commercial Zone or Industrial Zone may be permitted in the zone, as long as the proposed use will not adversely affect the surrounding property owners, meets the required standards and is approved by the city of Thorne Bay.

C. Notice Of Intent.

Any person proposing a commercial or industrial use must file a notice of intent with the city. This notice will specifically describe the proposed use in detail. The notice of intent will be posted in five places throughout the city for thirty days. If there is no objection to the proposed use, no permits other than a development permit will be required by the city. If any one of the criteria listed below is met, the applicant of the proposed use will be required to apply for a conditional use permit.

1. The size of a business requires five or more employees;
2. The nature of the business or project has a significant negative impact on property values or significantly harms the public health, safety and welfare of the adjacent property. Degradation of property includes but is not limited to impact from noise, dust, smoke, vibration, order, increased traffic and parking;
3. Three property owners within a ten-lot radius from the proposed use location calls for a public hearing by submitting an objection statement. The objection must be

filed on forms provided by the city within the thirty-day period in which the notice of intent is posted. The objection statement shall contain a detailed description of all potential significant impacts the proposed use may have on the area. The statement shall also contain other specific reasons as to why the proposed use should be brought to public hearing. The commission shall not entertain objections that are feudal in nature between two neighbors.

D. Application for Notice of Intent.

All applications shall contain:

1. Name and address of the property owner;
2. Name and address of the applicant, if different from the property owner;
3. Legal description of the property, vicinity map and site plan. The site plan will include:
    i. Scale, north arrow and date,
    ii. Property boundaries and dimensions,
    iii. All existing and proposed structures and their dimensions,
    iv. Rights-of-way and easements adjacent to the property,
    v. off-street parking spaces and their dimensions,
    vi. Access and driveways,
    vii. Any topographical features that may affect the development of the property,
    viii. Proposed use of the new structures and current use of any existing structures;
4. A detailed description of the proposed use, including but not limited to:
    i. Number of employees,
    ii. Nature of the proposed use,
    iii. Describe any dust, odor, vibration, smoke, noise, increased traffic or parking the proposed use will generate and how it will affect the surrounding property owners,
    iv. Times and days the proposed use will be in operation.
5. Applications for conditional use permit. See section 17.04.043 for procedure.
6. Property development standards.
7. Minimum lot size: one acre.
8. Minimum lot width: two hundred feet.
9. Setbacks: ten feet from property lines and road rights-of-ways when no easement is present. When applicable, state-designated setbacks and easements will take precedent over the ten-foot setback requirement.

10. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Severe slopes may be grounds to seek a variance from building height limitations.
11. Parking: all parking will be off-street and, on the premises, as required in section 17.04.041.
12. Density:
13. For separate single-family dwellings:
14. One acre minimum for each single-family dwelling structure.
15. For uses other than Residential, no more than one principal structure.
16. For uses other than Residential, no more than one principal structure.
17. For multi-family structures:
18. One acre minimum for the first unit and seven thousand five hundred square feet minimum lot size for each additional unit.
19. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
20. Temporary structures are not subject to section 17.04.026(f)(6)(c).
21. Signs: no signs shall cause glare on a public right-of-way or surrounding public property. Otherwise, there are no restrictions.
22. All new housing, Commercial/Industrial
23. Development and subdivision is subject to Alaska department of environmental conservation review and approval per the recorded plats.
24. Landscaping or view obscuring screening may be required. (Ord. 99-26 § 6(part), 1999; ord. 93-23 § 6(part), 1993) (Ord. 17-08-15-01)

17.04.027 COMMERCIAL ZONE.

The purpose of the commercial zone is to accommodate a wide range of commercial and compatible light industrial uses.

"Development Plans" are required for all development within the commercial zone conforming to applicable standards of Section 15.04.020..

A. Uses allowed in commercial zone without special permitting.

1. Administrative services and offices;
2. Ambulance service;
3. Auto and other light vehicle sales and rentals;
4. Banks and other financial institutions;
5. Building materials and supplies sales and storage;
6. Restaurants and other eating establishments;
7. Light equipment sales and rentals;
8. Government complexes;
9. Lodges, resorts and related uses;
10. Gunsmiths, locksmiths and other related sales and services;
11. Hotels and motels;
12. Laundromat, laundries and dry cleaning;
13. Medical services;
14. Lodges of fraternal orders, labor and social organizations;
15. Newspaper offices;
16. Post office;
17. Professional, finance, real estate and brokerage offices;
18. Community recreation;
19. Retail sales and rentals;
20. Taxi stands;
21. Theaters;
22. Veterinary office;
23. Mini storage units;
24. Marine sales;
25. School district offices and facilities.
26. Chamber of commerce and visitor facilities;
27. Nursing and convalescent homes, group residential facilities, children's homes;
28. Heliport;

29. R.V. park;
30. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities to serve the uses on the lot;
31. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but not used in association with permitted or conditionally approved commercial uses;
32. Telecommunication facilities, towers, and/or antennas

B. Uses Considered in Commercial Zone with Conditional Use Permitting.

1. Utility generation plants or substations;
2. Bars, taverns and restaurants that sell alcoholic beverages;
3. Transportation, trucking, moving and storage facilities;
4. Gasoline service stations;
5. Auto, auto body marine and light equipment repair;
6. Plant nurseries;
7. Communication facilities;
8. Warehousing, storage, and handling of cargo;
9. Gasoline service stations;
10. Heavy and light equipment repair and maintenance
11. Shipyards, vehicle, marine and equipment storage, and sales facilities;
12. Building materials and supplies sales and storage;
13. Auto and other light vehicle repairs, sales and rentals;
14. Marine fuel, water, and sanitation facilities;
15. Mini-storage units, storage garages, storage warehouses for rental uses;
16. The processing, repairing, assembling, packaging and warehousing of materials for sale;
17. Electrical utility substations, major pump/lift stations;
18. Structures and fences built above the maximum height limit.

C. Property development standards.

1. Minimum lot size: five thousand square feet or no minimum for a lot housing a utility.
2. Minimum lot width: fifty feet or no minimum for a lot housing a utility.

3. Setbacks: ten feet from road rights-of-way and five feet from side and rear property lines, except for a utility.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes may be grounds to seek a variance from building height limitations.
5. Parking: all parking is off-street and subject to section 17.04.041.
6. Signs: no signs shall cause glare on any public right-of-way or surrounding property. Signs shall not be illuminated between the hours of eleven p.m. and seven a.m. unless the establishment is open during those hours.
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Landscaping or view obscuring screening may be required. (Ordinance 17-08-15-01)

17.04.028 INDUSTRIAL ZONE.

This zoning designation is intended to provide an area that is suitable for both heavy and light industrial uses such as manufacturing, processing, repairing and assembling.

Section 15.04.020 stipulates that "Development Plans" are required of all building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties. (Ordinance 17-08-15-01; prior Ord. 16-01-05-02)

A. Permitted Uses.

1. Solid waste disposal facilities;
2. The manufacturing, processing, repairing, assembling and disassembling, compounding, packaging treatment, fabrication and warehousing of materials or property;
3. The storage of fuels or propane in compliance with applicable fire codes;
4. Junkyards and salvage yards that are screened from view from when adjacent to a public right-of-way;
5. Mining and quarry operations;
6. Sand and gravel operations;
7. Vehicle, marine and equipment storage;
8. Heavy and light equipment repair and maintenance;
9. Commercial nurseries and greenhouses;
10. Commercial or private stabling of farm animals;
11. Commercial sawmills shake and shingle mills;
12. Commercial lumber mills and the retail sale of lumber;
13. Moving, trucking and transportation firms;
14. Accessory Uses.
    a) office that is accessory to the permitted use,
    b) Watchman's quarters, owner/operator residence, or bunkhouse if applicable.

B. Conditional Use.

1. Any commercial use that is not an expressly permitted use;
2. Storage and sale of explosives.

C. Prohibited Use.

1. Uses that degrade air, water and land without effective mitigative procedures that alleviate negative impacts;
2. Residential subdivision.

D. Property Development Standards.

1. Minimum lot size: two acres with Alaska Department of Environmental Conservation review and approval.
2. Minimum lot width: one hundred fifty feet.
3. Setback Requirements.
    a. Front yard: twenty feet.
    b. Rear yard: twenty feet.
    c. Side yard: twenty feet.
4. Maximum lot coverage by buildings: no limitations, setback requirement must be met.
5. Maximum height: no restrictions.
6. Within five years of purchase, improvements to the property must be equal to the value of the property at the time of purchase.

E. Parking Requirements.

All parking must be in compliance with Section 17.04.041.

F. Sewage Systems and Treatment.

All private sewerage treatment plans and subdivisions must be approved by the Alaska Department of Environmental Conservation.

G. Fences, Walls and Hedges:

Fences, Walls and Hedges may be built up to the property line and shall not obstruct vehicular visibility. (Ordinance 17-08-15-01; prior Ord. 93-23 § 6(part), 1993)

17.04.029 WATERFRONT ZONE.

The purpose of this zone is to provide for aesthetically pleasing commercial areas along the waterfront while retaining access to the waterfront for both public and private uses.

Development plans are required for all development within the waterfront commercial zone conforming to applicable standards of Section 15.04.020.

A. Uses allowed in waterfront zone without special permitting.

1. Port and harbor facilities, including docks, floatplane operations;
2. Marine, vehicle and propane fuel sales;
3. Public, private and commercial moorage associated with approved uses;
4. Post office;
5. Small scale; seafood processing plants, cold storage plants and facilities;
6. Hair salons;
7. Banks and other financial institutions;
8. Parks and open space;
9. Community recreation, community facilities, open space, beaches and buffer strips;
10. Retail sales and rentals;
11. Laundromat;
12. Restaurants and other eating establishments;
13. Residential uses accessory to permitted uses such as watchmen quarters, owner-operator's home or rental unit constructed above an allowed use without special permitting;
14. Water and sanitation facilities;
15. Administrative offices accessory to permitted uses.

B. Uses allowed in waterfront zone-trans-shipment without special permitting.

1. Storage and shipping of containers, equipment, materials, commodities and any other items being shipped to and from Prince of Wales Island;
2. Pick-up and delivery of containers, equipment, materials, commodities and any other items shipped to and from Prince of Wales Island;
3. Loading and unloading freight barges.

C. Uses allowed in waterfront zone-business district subdivision without special permitting.

1. Material storage and sales associated with another local commercial operation;
2. Vehicle, boat and equipment parking, storage and repair;
3. Electric and communication facilities;
4. Warehouses and rental storage, including units;
5. Container storage.

D. Uses Considered in Waterfront Zone with Conditional Use Permitting.

1. Bars, taverns and restaurants that sell alcoholic beverages;
2. Hotels, motels and restaurants;
3. Lodges and resorts;
4. Communication facilities;
5. Light industrial facilities;
6. Commercial sales not associated with another local commercial operation;
7. All floating structures or structures on piling, excluding floatplane operations and docks accessary with approved uses;
8. Structures and fences built above the maximum height limit;
9. Telecommunication facilities, towers, and/or antennas.

E. Property Development Standards.

1. Minimum lot size: no minimum lot size.
2. Minimum lot width: no minimum lot width.
3. Setbacks: five feet from road rights-of-way and five feet from side and rear property lines.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Severe slopes maybe grounds to seek a variance from building height limitations.
5. Parking: all parking unless is otherwise approved by the planning director is off-street and subject to section 17.04.041.
6. Signs: no signs shall cause glare on any public right-of-way or surrounding property. Signs shall not be illuminated between the hours of eleven p.m. and seven a.m. unless the establishment is open during those hours.
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Landscaping or view obscuring screening may be required for uses along the Thorne River Road and shoreline drive. (Ord 17-08-15-01)

17.04.030 PUBLIC ZONE.

The Purpose of This Zone Is to Reserve Public Lands for Uses Generally Associated with Government Administration, and That Benefit the Public Health, Safety and Welfare and Local Economy.

Development Plans Are Required for All Development Within the Public Zone Conforming to Applicable Standards of Section 15.04.020.

A. Uses Allowed in Public Zone Without Special Permitting.

1. Government Facilities and Complexes;
2. Libraries, Museum, Visitor Center, Chamber of Commerce Facilities;
3. Education Facilities;
4. Police Facilities, Court House, Jail and Detention Facilities;
5. Public offices, Legislative Affairs office;
6. Public Works Maintenance Facilities and Shops;
7. Hospital, Clinics and Other Medical offices and Facilities;
8. Community Buildings;
9. Fire and Ambulance Station, EMT or ETT Services;
10. Public Utilities;
11. Day Care Centers;
12. Nursing and Convalescent Homes, Group Residential Facilities, Children's Homes;
13. Cemetery;
14. Community Recreation Including Parks, Beaches, Open Space and Buffer Strips, Indoor and Outdoor Recreation Facilities;
15. Post office.

B. Uses Considered in Public Zone with Conditional Use Permitting.

1. National Guard Facilities;
2. Public Shooting Range;
3. R.V. Park;
4. Communication Facilities;
5. Dog/Animal Impoundment Facility;
6. Heliport or Airport;
7. Solid Waste Disposal Facility;
8. Sewer Treatment Facility;
9. Public Utilities Near Residential Areas;
10. Other Uses Pertaining to The Public Health, Safety and Welfare.
11. Structures and Fences Built Above the Maximum Height Limit;
12. Telecommunication Facilities, towers, and/or Antennas

C. Property Development Standards.

1. Minimum Lot Size: Five Thousand Square Feet.
2. Minimum Lot Width: Fifty Feet.
3. Setbacks: Ten Feet from Road Rights-of-Ways and Five Feet from Side and Rear Property Lines.
4. Building Heights: A Maximum of Thirty-Five Feet as Defined in The Definitions For "Building Height". Severe Slopes Maybe Grounds to Seek a Variance from Building Height Limitations.
5. Parking: All Parking Is Off-Street and Subject to Section 17.04.041.
6. Signs: No Signs Shall Cause Glare on Any Public Right-of-Way or Surrounding Property. Signs Shall Not Be Illuminated Between the Hours of Eleven P.M. and Seven A.M. Unless the Establishment Is Open During Those Hours.
7. Fences, Walls and Hedges: Fences, Walls and Hedges May Occupy a Portion of A Yard and Be Built Up to The Property Line With A Six Foot Maximum Height Limit and Shall Not Obstruct Vehicular Visibility. (Ordinance 17-08-15-01; prior Ord. 93-23 § 6(part), 1993) (Ord 17-08-15-01)

17.04.031 LOW DENSITY RESIDENTIAL.

This zone is to provide aesthetically pleasing residential neighborhoods with large lots, by permitting only single-family residences and duplexes at low population densities.

Development plans are required for all development within the low-density residential zone conforming to applicable standards of Section 15.04.020.

A. Uses allowed in low density residential zone without special permitting.

1. Single family dwellings;
2. Mobile homes which meet the following:
   a. Seven hundred fifty square foot minimum (approximately twelve feet by sixty feet);
   b. Skirting required;
   c. Permanent foundation required.
3. Modular construction;
4. Home occupation or office in home;
5. Accessory buildings for private, residential uses such as garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat;
6. Visiting travel trailer or motor home occupied by guests of the residence
7. Wannigans which meet the following:
   a. Single story;
   b. Square footage of wannigan shall not exceed the square footage of mobile home.
   c. On lots which do not have an established principal use, normal accessory buildings for private residential uses such as a garage, shed, or shop.

B. Uses considered in low density residential zone with conditional use permitting.

1. Duplex;
2. Electrical utility substations, pump/lift stations;
3. Bed and breakfast not to exceed two guest rooms;
4. The keeping of animals for profit or for more than personal use; the keeping of four or more dogs with the exception of puppies; the keeping of roosters and other livestock;
5. Day care center;
6. Parking truck or heavy equipment over a two-ton rating;
7. Buildings and fences built above maximum height limit;
8. On lots which do not have an established principal use, private storage of a recreational vehicle, travel trailer, or recreational boat;
9. Wannigans exceeding the size of the mobile home;
10. Additional residential unit on lot.

C. Uses prohibited in low density residential zone.

1. Any use or structure not listed under permitted or conditional uses.

D. Property Development Standards.

1. Minimum lot size: forty thousand square feet;
2. Minimum average lot width: one hundred feet;
3. Density: one residential structure per lot unless conditional use is applied for and granted
4. Parking: all parking must be accommodated off-street and, on the premises, as required in section 17.04.041 of this chapter;
5. Setbacks.
    a. Interior setbacks: ten feet between structures;
    b. Front yard setbacks: twenty-five feet from property line;
    c. Side and rear yard setbacks: ten feet from property lines;
6. Development on corner lots shall not impede visibility;
7. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Severe slopes maybe grounds to seek a variance from building height limitations;
8. Maximum lot coverage: forty percent of the lot area remaining after the setback area is subtracted from the total lot area;
9. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility. (Ordinance 17-08-15-01)

17.04.032 MEDIUM DENSITY RESIDENTIAL.

This zone is intended to provide residential neighborhoods with a limited range of multifamily housing mixed with single family residences at moderate population densities.

Development plans are required for all development within the medium density residential zone conforming to applicable standards of Section 15.04.020.

A. Uses Allowed in Medium Density Residential Zone Without Special Permitting.

1. Single family dwelling;
2. Duplex;
3. Triplex;
4. Modular construction;
5. Mobile homes which meet the following:
    a. Minimum size-ten feet by forty feet or minimum four hundred square feet;
    b. Skirting Required;
    c. Foundation Required.
6. Wannigans which meet the following:
    a. Single Story;
    b. Square Footage Shall Not Exceed the Square Footage of Mobile Home.
7. Home occupation or office in home;
8. Accessory buildings for private residential uses such as a garage, shed, or shop;
9. Visiting travel trailer or motor home occupied by guests of the residence
10. Bed and breakfast with up to 2 quest rooms.

B. Uses Considered in Medium Density Residential Zone with Conditional Use Permitting.

1. Electrical utility substations, pump/lift stations;
2. Day care center or facility;
3. Bed and breakfast with up to 4 guest rooms;
4. Parking a truck or other heavy equipment over a two-ton rating;
5. Structure or fence built above the maximum height limit;
6. Organized public or private meeting place;
7. Wannigans exceeding the size of the mobile home;
8. Additional residential unit on lot.

C. Uses Prohibited in Medium Density Residential Zone.

1. Any use or structure not listed under section 17.04.032 section a or section b with special permitting.

D. Property Development Standards.

1. Minimum lot size: twenty-five thousand square feet;
2. Minimum average lot width: seventy-five feet;
3. Density: one residential structure per lot unless conditional use is applied for and granted.
4. Parking-all parking must be accommodated off street and, on the premises, as required in section 17.04.041 of this chapter;
5. Setbacks:
    a. Interior setbacks: ten feet from all structures;
    b. Front yard setbacks: twenty-five feet from property line;
    c. Side and rear yard setbacks: ten feet from property line;
    d. Development on corner lots shall not impede visibility.
6. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes maybe grounds to seek a variance from building height limitations.
7. Maximum lot coverage: fifty percent of the lot area remaining after the setbacks have been subtracted from the total lot area;
8. Fences, walls, and hedges: fences, walls, and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility. In addition, where multi-family structures abut lower density zones (low density residential, rural residential), a six-foot high fence separating the zones shall be constructed by the property owner. (Ord. 96-22 § 4(Part), 1996) (Ord 17-08-15-01)

17.04.033 HIGH DENSITY RESIDENTIAL.

This zone is intended to provide a variety of housing types from single-family residences, multi-family dwellings, and mobile home parks at moderately high population densities. Development plans are required for all development within the high-density residential zone conforming to applicable standards of Section 15.04.020.

A. Uses Allowed in High Density Residential Zone Without Special Permitting.

1. All uses allowed in low and medium density zones;
2. Mobile homes or trailers which meet the following:
    a. Minimum Size of Eight Feet by Thirty-Eight Feet;
    b. Skirting Required;
    c. Permanent Foundation Required.
3. Wannigans which meet the following:
    a. Single Story;
    b. Square Footage Not to Exceed the Square Footage of The Mobile Home or Trailer.

B. Uses Considered in High Density Residential Zone with Special Permitting.

1. Electrical utility substations, pump/lift station;
2. Four-plex and apartment buildings up to eight units with state fire marshal review;
3. Day care center or facility;
4. Bed and breakfast with 5 or more guest rooms;
5. Parking a truck or other heavy equipment over a two-ton rating;
6. Home occupation or office in home;
7. Structure or fence built over the maximum height limit;
8. Organized public or private meeting place;
9. Trailer Park;
10. On lots which do not have an established principal use, private storage of a recreational vehicle, travel trailer, or recreational boat;
11. Wannigans exceeding the size of the mobile home or trailer;
12. Additional residential unit on lot.

C. Uses Prohibited in Medium Density Residential Zone.

1. Any use or structure not listed in section 17.04.033 section a or section b with special permitting

D. Property Development Standards.

1. Minimum lot size: fifteen thousand square feet;
2. Minimum average lot width: seventy-five feet;
3. Density: one residential structure per lot unless conditional use has been applied for and granted.
4. Maximum lot coverage-sixty five percent of the lot area remaining after setbacks are subtracted from the total lot area;
5. Parking-all parking must be accommodated off-street and, on the premises, as required in section 17.04.041 of this chapter;
6. Setbacks:
   a. Ten Feet from All Lot Lines;
   b. Interior Setbacks: Ten Feet from All Structures;
   c. Development of Corner Lots Shall Not Impede Visibility.
7. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes maybe grounds to seek a variance from building height limitations.
8. Fences, walls, and hedges: fences, walls, and hedges may be built on the property line and have a six-foot maximum height limit and shall not obstruct vehicular visibility. In addition, where multi-family structures abut lower density zones (medium density residential, low density residential, rural residential) a six-foot high fence separating the zones shall be constructed by the property owner. (Ord. 96-22 § 4(part), 1996) (Ord 17-08-15-01)

17.04.034 GREENTREE HEIGHTS RESIDENTIAL.

The purpose of this zone is to create an aesthetically pleasing Residential subdivision consisting of permanent single-family housing, and modular homes.

Development plans are required for all development within the Greentree Heights Residential Zone conforming to applicable standards of Section 15.04.020.

A. Permitted Uses.

1. Stick-built single-family residences and modular homes built on permanent, continuous foundations with a minimum one-foot width or concrete sonatube foundations;
2. Home occupation or office in home;
3. Accessory buildings for private Residential uses such as garage, shed, greenhouse, smokehouse, private storage of a recreational vehicle, travel trailer or recreational boat;
4. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, pump/lift stations; power/telephone poles only where power/telephone lines cannot be buried and other low impact facilities of the same character to provide for utilities);
5. Bed and breakfast: two rental rooms or less;
6. Visiting travel trailer or motor home occupied by guests up to forty-five days per year;
7. Guest cabins, lodge, or motel on lot 8
8. Restaurant/lodge on lot 8

B. Conditional Uses.

1. Multifamily housing on Lot 8;
2. Religious assembly;
3. Moveable construction trailer or travel trailer for Residential use during construction of permanent Residential structure. Conditional use permits may be issued for one year with an annual review if necessary;
4. Bed and breakfast: over two rental rooms;
5. Structures and fences built above the maximum height limit;
6. Convenience store, gas station, motor vehicle sales and repair services on Lot 8.
7. Mini-Storage units on Lot 8;
8. Signs over five square feet on Lot 8;

C. Uses Prohibited.

1. Subdivision;
2. Private garbage pits;
3. Storage and or maintenance of heavy equipment;
4. Storage of derelict vehicles or unsightly accumulation of personal property;
5. The raising of animals, livestock and poultry except normal household pets of up to four dogs and cats and their litters, provided that they are not kept, bred or maintained for commercial purposes.

D. Property Development Standards.

1. Minimum lot size: Original plated lot size in square feet.
2. Parking: all parking shall be off-street and on the premises.
3. Setbacks: twenty feet from road right-of-way, ten feet from rear and interior lot lines for all lots.
4. Building heights: thirty-five feet measured from the highest ground level of the permanent foundation.
5. Density: single-family residences only.
6. Utilities: all dwellings must be connected to municipal water, sewer and electrical utilities when they come available.
7. Access.
    a. Driveways. Driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve feet width on to and perpendicular to the centerline of the platted right-of-way. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires it as determined by the City administrator.
    b. All property must be accessed by platted public right-of-way.
8. Building requirements: all single-family residences shall contain not less than eight hundred (800) square feet of floor space, excluding garages and open porches.
9. Signs: signs shall not be displayed to the public view on any lot (Lot 8 is exempt from this prohibition) except one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property or advertising a home business.
10. Fences, walls or hedges may be built up to six feet in height up to the property line. Fences shall not obstruct vehicular visibility.
11. Septic. City sewer lines are not currently installed. Approved septic tanks and leach fields will be required on all lots. Prior design approval of the septic system is

required before construction of any Residential buildings can proceed. When City sewer lines are installed, all lot owners will be required to connect to the city system.

12. Potable water supply. City water lines are not currently installed. Lot owners will need to have water wells drilled or a roof collection system with storage tank developed. Storage tanks will be placed so they do not block the view from any other lots. Storage tanks can be enclosed in a separate building or incorporated into the Residential building. When and if City water lines are installed, all lot owners will be required to connect to the city system.
13. Electrical Utilities. Public electricity is not currently installed. Lot owners may develop their own power generation equipment, including solar, wind and gas or diesel generators. Generators cannot be run between the hours of 11pm and 5am and will be properly muffled so to reduce noise pollution. When and if public electric lines are installed, all lot owners will be required to connect to the system.

(Ordinance 21-12-07-01, § 12(part); Prior Ord. 06-05-02-01)

17.04.036 MOBILE HOME PARKS.

A. Purpose.

The purpose of this section is to establish guidelines and standards for the appropriate location of safe and aesthetically pleasing mobile home parks. All mobile home parks require a conditional use permit issued by the city.

B. Procedure.

1. Application.

A conditional use permit application shall be filed with the city clerk no less than twenty-one days prior to the public hearing which shall be the next regularly scheduled meeting of the planning and zoning commission and will include the following:

a. Name, address and telephone number of the property owner;
b. Scale, north arrow and date;
c. Location of the proposed park including U.S. Survey number or Alaska State Land Survey number and lot, block, section, township and range;
d. Property boundary showing park boundary and dimensions;
e. Location and dimensions of all park improvements, including but not limited to:
    i. All mobile building spaces,
    ii. Sewer and water lines, pump stations and fire hydrants,
    iii. Electrical systems and power poles,
    iv. Existing and proposed buildings,
    v. Garbage dumpsters,
    vi. Open spaces play areas, storage areas,
    vii. Parking spaces,
    viii. Screening-mobile home park owners shall provide a screen of view obscuring fencing or vegetation completely surrounding the mobile home park except at the entrance to the park or where natural features such as natural tree cover or topography provide view obscuring screening or make other screening ineffective:
        a) Easement and drainage ways;
        b) Hazard and problem areas (muskegs, high water table, steep topography);
        c) Width and grade of park access roads and their connection with other streets; and

d) General landscape and development plans in such detail as will enable the planning and zoning commission to determine whether or not the proposed park meets the design requirements of this section.

2. Planning and Zoning Commission Action on the Application.

a. The planning and zoning commission shall study the application and shall grant or deny the application for a conditional use permit as specified in Section 17.04.043. The commission's decision shall be based upon the compliance of the request with the development requirements of this section, zoning restrictions and other pertinent sections of this title.

b. A conditional use permit may be granted for up to three years and is renewable provided all conditional use permit requirements have been adhered to.

c. A perpetual permit may be granted for the mobile home park after the expiration of at least two three-year conditional use permits. The Designated Planning official or his designee shall make an inspection of the park to confirm that the park is in compliance with all provisions of this section and all terms of approval and management plan under which the park operates before the perpetual permit may be granted.

d. Restrictions and conditions-In granting a conditional use permit, the planning commission may, in order to assure compliance with design requirements and other parts of this section:

i. Require and attach to the conditional use permit conditions which are more restrictive and in excess of the dimensional standards set forth in this title;

ii. Require and attach to the conditional use permit time limits for some or all of the conditions of the conditional use permit to be performed;

iii. Require and attach to the conditional use permit conditions which include, among other things, setback requirements in excess of those stated in this section, suitable landscaping, adequate and lawful water and sewage facilities, adequate and lawful parking; adequate and lawful curb cuts and traffic movement, and other conditions which will uphold the intent of the zoning title. The planning commission may also require a performance bond to insure compliance with such restrictions and conditions.

3. Management Plan. A proposed management plan must be submitted by applicant with the conditional use permit application that contains the following:

a. Proposed regulations for the park;

b. Landscape plan for the vegetative screen identifying the type of vegetation, spacing of plants, and maintenance provisions for the screen which shall be view

obscuring within two years, or description of type of fencing to be used as view obscuring screen and provisions for maintenance of the fence;

c. Assurance that water, sewer and electrical hookups conform to adopted health and safety standards and local, state and federal rules and regulations;
d. Assurance that the mobile home park complies with all state fire codes;
e. When the management plan has been approved by the planning commission it will be signed by the park owner and filed with the city clerk.

4. Notification.

a) the notice of public hearing for a mobile-home park shall contain:
   i. Name of the applicant, date, time and place of public hearing;
   ii. A description of the location of the property and legal description, if available;
   iii. Number and size of spaces;
   iv. Type of proposed screening;
   v. Location where further information about the proposal may be examined;
   vi. The reference number of the sections of the title which pertain to the application;
   vii. An explanation of the appeal process.

b) Notice of the public hearing shall:

   i. Be made by first-class mail to property owners within three hundred feet of the exterior property boundary and shall be posted in no less than three public places ten days prior to the hearing date;

   ii. Be sent to the property owners identified above to the most current address on the city's utility listing or other city records, and if no address can be found, the most current owner of the property listed in the State Recording office. The failure of a property owner to receive notice shall not void a planning commission decision reached at public hearing if a good faith attempt was made to contact the property owner;

   iii. A copy of the property owner notification list shall be kept in the files of the city clerk together with a notarized affidavit signed by the planning and zoning secretary that the notice was sent;

   iv. A copy of the resolution approving or denying the mobile home park shall be sent to the applicant and any other person who provides the city with written request for a copy of the resolution;

   v. A resolution denying an application shall be mailed to applicant within five days of the date of the planning commission decision together with a letter explaining the appeal process.

C. Mobile home Park Design Requirements.

1. The minimum area for mobile home spaces shall be four thousand square feet for each mobile home.
2. Each space shall have a mean width of not less than thirty-five feet.
3. Mobile home parks shall have a density of not more than eight mobile homes per gross acre.
4. Two parking spaces shall be provided for each mobile home space and the minimum parking space shall measure no less than nine feet by twenty feet for each mobile home space.
5. Direct access from any public street or right-of-way to any mobile home space shall be prohibited.
6. Private roads within the mobile home park shall have a minimum width of twenty feet of stabilized surface and shall be laid out to discourage use by through traffic.
7. Setbacks from streets and surrounding property lines shall be twenty feet. Within a mobile home park, no mobile home, wannigan or accessory structure shall be located within ten feet of the front and within five feet of the side or rear boundary lines of the mobile home space. Access shall be from the front of the mobile home space.
8. Mobile home parks shall provide mobile home pads with a crushed rock or hard surface area. Mobile home space corners shall be clearly indicated on the ground. Mobile home parks shall allow only one mobile home per space or pad. Spaces shall be numbered in sequence and clearly marked.
9. The undercarriage of each mobile home shall be screened from view by skirting.
10. Water supply and sewage disposal shall be provided by systems common to the entire mobile home park and in compliance with applicable regulations of the Alaska Department of Environmental Conservation and all local, state and federal rules and regulations.
11. Mobile home parks shall be designed and developed to ensure rapid drainage of surface water.
12. Mobile home parks shall provide a screen of view obscuring fencing or vegetation completely surrounding the mobile home park except where natural features such as natural tree cover or topography provide view obscuring screening or make other screening ineffective, and at the access road into the mobile home park.
13. Wannigans shall comply with the National Fire Protection Association Standards.

D. Required Criteria for Approval.

1. The required criteria for approval shall be the same as required by Section 17.04.043(B). (Ord. 98-23 § 3(part), 1998)

17.04.040 COMMUNICATIONS-TELECOMMUNICATIONS FACILITIES.

A. Purpose.

The purpose of this section is to allow and regulate the design, location, placement, construction, and removal of Communications and Telecommunication facilities, towers, and antennas.

B. Criteria.

Communications and Telecommunication facilities, towers, and antennas should consider adverse impacts, surrounding land uses, and co-location.

1. The applicant shall provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it.
2. The placement, design, use and operation of telecommunications facilities shall comply with the Telecommunications Act of 1996 and the rules of the Federal Communications Commission (FCC).

C. Telecommunication facilities.

Towers, and/or antennas may be permitted out right or by the Planning Commission as a conditional use if all if all facilities, towers and/or antennas can comply with All required Design Criteria.

1. Permitted out right
    a. Industrial Zone
    b. Commercial Zone
    c. Mixed Residential/Commercial III
    d. All zones if there is a (600) six-hundred-foot setback from the security fencing
2. Permitted by Conditional Use
    a. Greentree Heights Zone
    b. Deer Creek Zone
    c. Public Zone
    d. Waterfront Zone
    e. Mixed Residential/Commercial I and II

D. Design Criteria.

1. All towers shall be designed and certified by a licensed engineer for structural soundness and conformity with all applicable State and Federal Codes and Laws.
2. Freestanding towers shall be designed in all respects so as to accommodate co-location of the applicant's antennas and at least two additional users and to allow for future rearrangement of antennas upon the tower, antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

3. towers shall be located and painted so as to minimize their visibility where practicable and except as dictated by the Federal Aviation Administration (FAA).
4. No telecommunications tower or facility shall be located in the required minimum setbacks in any zone, with the exception that the use of existing light poles, high voltage poles or towers, and telecommunication towers are exempt from the setback requirements; provided, that such pole or telecommunications tower is not increased in height. Placement of new towers shall be set back from adjacent property lines a distance equal to or greater than to the actual height of the tower.
5. Towers are exempt from the height restriction set forth in the zones and subject to the following limitations:
    a. towers permitted out right shall not exceed 200 feet in height and can meet all the setback requirements from buildings. towers may be permitted higher than 200 feet if permitted through a conditional use.
    b. towers permitted through a conditional use shall not exceed 60 feet in height unless located in an area not suitable for Residential development and can meet all the setback requirements from buildings and property lines.
6. No telecommunications tower or antennas shall be artificially illuminated unless required by law or the Federal Aviation Administration.
7. A freestanding tower shall be enclosed by security fencing not less than eight feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area. Climb guards are required on towers that are attached to existing structures when mounted on the ground and unable to be enclosed by fencing.
8. Adequate access to the facility must be provided from a public right-of-way or easement consistent with the type of facility constructed. Sites off the road system do not require access via a right-of-way.

E. Removal of Communications Telecommunications facilities.

Towers, and antennas. Any facility, tower or antenna which is not used for three years shall be removed along with any associated above-ground facilities within 90 days of said 3 years unless an extension is approved by the governing body prior to the expiration of said 90 days. Failure to remove a facility, tower or antenna as provide by the chapter shall be deemed a nuisance and the city may seek abatement of the nuisance at the property owner's expense. (Ord. 17-05-16-01)

17.04.037 RECREATIONAL VEHICLE AND TRAVEL TRAILER PARKS.

A. Purpose.

The purpose of this section is to establish guidelines and standards for the appropriate location of safe and aesthetically pleasing recreational vehicle and travel trailer parks (hereinafter called "trailer parks"). All trailer parks require a conditional use permit issued by the city.

B. Procedure.

1. Application. A conditional use permit application shall be filed with the city clerk no less than twenty-one days prior to the public hearing which shall be the next regularly scheduled meeting of the planning and zoning commission and will include the following:
   a. Name, address and telephone number of the property owner;
   b. Scale, north arrow and date;
   c. Location of the proposed park including U.S. Survey number or Alaska State Land Survey number and lot, block, section, township and range;
   d. Property boundary showing park boundary and dimensions;
   e. Location and dimensions of all park improvements, including but not limited to:
      i. All trailer park spaces,
      ii. Sewer and water lines, pump stations and fire hydrants,
      iii. Electrical systems and power poles,
      iv. Existing and proposed buildings,
      v. Garbage dumpsters,
      vi. Open spaces play areas, storage areas,
      vii. Parking spaces,
      viii. Screening-trailer Park owners shall provide a screen of view obscuring fencing or vegetation completely surrounding the trailer park except at the entrance to the park or where natural features such as natural tree cover or topography provide view obscuring screening or make other screening ineffective;
   f. Easement and drainage ways;
   g. Hazard and problem areas (muskegs, high water table, steep topography);
   h. Width and grade of park access roads and their connection with other streets;
   i. General landscape and development plans in such detail as will enable the planning and zoning commission to determine whether or not the proposed park meets the design requirements of this section.
2. Planning and Zoning Commission Action on the Application.

a. The planning and zoning commission shall study the application and shall grant or deny the application for a conditional use permit as specified in Section 17.04.043. The commission's decision shall be based upon the compliance of the request with the development requirements of this section, zoning restrictions and other pertinent sections of this title.
b. A conditional use permit may be granted for up to three years and is renewable provided all conditional use permit requirements have been adhered to.
c. A perpetual permit may be granted for the trailer park after the expiration of at least two three-year conditional use permits. The Designated Planning official or his designee shall make an inspection of the park to confirm that the park is in compliance with all provisions of this section and all terms of approval and management plan under which the park operates before the perpetual permit may be granted.
d. Restrictions and conditions-In granting a conditional use permit, the planning commission may, in order to assure compliance with design requirements and other parts of this section:
    i. Require and attach to the conditional use permit conditions which are more restrictive and in excess of the dimensional standards set forth in this title;
    ii. Require and attach to the conditional use permit time limits for some or all of the conditions of the conditional use permit to be performed;
    iii. Require and attach to the conditional use permit conditions which include, among other things, setback requirements in excess of those stated in this section, suitable landscaping, adequate and lawful water and sewage facilities, adequate and lawful parking, adequate and lawful curb cuts and traffic movement, and other conditions which will uphold the intent of the zoning title. The planning commission may also require a performance bond to insure compliance with such restrictions and conditions.

3. Management Plan. A proposed management plan must be submitted by applicant with the conditional use permit application that contains the following:
    a. Proposed regulations for the park;
    b. Landscape plan for the vegetative screen identifying the type of vegetation, spacing of plants, and maintenance provisions for the screen which shall be view obscuring within two years, or description of type of fencing to be used as view obscuring screen and provisions for maintenance of the fence;
    c. Assurance that water, sewer and electrical hookups conform to adopted health and safety standards and local, state and federal rules and regulations;

d. Assurance that the trailer park complies with all state fire codes;
e. When the management plan has been approved by the planning commission it will be signed by the park owner and filed with the city clerk.

4. Notification.
   a. The notice of public hearing for a trailer park shall contain:
      i. Name of the applicant, date, time and place of public hearing;
      ii. A description of the location of the property and legal description, if available;
      iii. Number and size of spaces;
      iv. Type of proposed screening;
      v. Location where further information about the proposal may be examined;
      vi. The reference number of the sections of the title which pertain to the application;
      vii. An explanation of the appeal process.
   b. Notice of the public hearing shall:
      i. Be made by first-class mail to property owners within three hundred feet of the exterior property boundary and shall be posted in no less than three public places ten days prior to the hearing date;
      ii. Be sent to the property owners identified above to the most current address on the city's utility listing or other city records, and if no address can be found, the most current owner of the property listed in the State Recording office. The failure of a property owner to receive notice shall not void a planning commission decision reached at public hearing if a good faith attempt was made to contact the property owner;
      iii. A copy of the property owner notification list shall be kept in the files of the city clerk together with a notarized affidavit signed by the planning and zoning secretary that the notice was sent;
      iv. A copy of the resolution approving or denying the trailer park shall be sent to the applicant and any other person who provides the city with written request for a copy of the resolution;
      v. A resolution denying an application shall be mailed to applicant within five days of the date of the planning commission decision together with a letter explaining the appeal process.

C. Development Standards - Recreational Vehicle and Travel Trailer Park

1. Drinking Water and Sanitation Facilities. All park spaces shall be provided with potable drinking water and sewer hookups. Water and gray-water disposal shall be provided within three hundred feet of each park space. A toilet facility shall be provided for

every ten spaces. Shower facilities shall be provided in parks that provide twenty or more park spaces. Sewage hookups shall be made to the city sewer system or to a state approved system approved by the city. Each park shall provide and maintain animal-proof dumpsters adequate for the size of the park. Electrical hookups shall be in accordance with local, state and federal standards, rules and regulations.

2. Vehicle Space and Parking. Recreational vehicle spaces shall be a minimum of one thousand five hundred square feet in size. Tent camping and other special use areas may differ from this minimum space size with planning commission approval. All recreational vehicle space pads shall be of crushed rock or a paved surface area. Each park shall provide one off-street parking space per recreational vehicle.
3. Setbacks. Setbacks from all space lines for all recreational vehicles and travel trailers or structures shall be ten feet. Setbacks from all streets and access roads not within the park shall be twenty feet. Setbacks from adjacent property lines shall be twenty feet.
4. Park access. All access for park spaces shall be provided from access roads located within the park. Access roads shall be a minimum of twenty-five feet wide and shall be of improved surface approved by the city and the fire chief. If feasible, two access points shall be provided into and out of the park.
5. Screening. The planning commission may require vegetative screening or a sight obscuring fence for the park.

D. Requirements for Recreational Vehicles Within the Park.

Recreational vehicles must be licensed to operate on state highways while located within a recreational vehicle/travel trailer park. The removal of wheels from a recreational vehicle, except for temporary repair, is prohibited. Wannigans are prohibited.

E. Enforcement.

When it has been determined that a recreational vehicle/travel trailer park is in violation of this chapter or other applicable codes, the procedures and penalties of Section 17.04.050 shall apply. (Ord. 98-23 § 3(part), 1998)

17.04.041 OFF-STREET PARKING REQUIREMENTS.

In all zoning districts, off-street parking shall be provided for all new buildings, existing buildings undergoing a change in use, and commercial buildings that are being enlarged.

A. Location of Parking Spaces.

All off-street parking provided pursuant to this section shall be provided on the same lot as the use that it serves or an adjacent lot. The planning commission may approve a parking lot in a different location depending on the use the parking will serve.

B. Parking Design.

A parking space shall be of the dimensions of nine feet by twenty feet to accommodate vehicles of all sizes.

C. Interpretation of Space Requirements.

When a use cannot be found in this section, the planning commission will determine the most similar use which is specifically listed in subsection D of this section. The parking space requirements shall be the same as that determined use.

D. Required Parking Spaces.

RESIDENTIAL USES	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Single-family dwellings, duplex, triplex, apartments, mobile homes, trailers and other places containing dwelling units	One parking space for each dwelling unit.

COMMERCIAL USES	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Banks and office buildings	One public parking space per each 300 square feet of gross floor area, not less than five spaces.
Grocery stores, shopping centers, markets, small retail sales	One public parking space per each 400 square feet of gross floor area.
Hotel and motels	One public parking space per every two guest rooms
Restaurants, other eating and drinking establishments	One-half parking space for each employee plus one public parking space per every five seats.
Laundromat	One public parking space per every two washers.
Service station, automobile repair shop	Two parking spaces for each service stall.

INDUSTRIAL USES	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Manufacturing industries	One parking space per 400 square feet of gross floor area plus one parking space for each company vehicle.
Equipment storage and maintenance	One-half parking space for each employee and one space for each company vehicle.

PUBLIC USES	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Churches, theaters and other places of public assembly	One public parking space per five seats.
Schools	One parking space per employee.
Municipal buildings and health clinics	One parking space per employee plus one space for each municipal vehicle plus two visitor spaces.

(Ord. 93-23 § 6(part), 1993)

17.04.042 NONCONFORMING USES.

A. Purpose.

The purpose of this section is to allow lawfully established uses and structures which do not conform to the currently adopted city zoning title to remain without encouraging their extension or continuance.

B. Nonconforming Lots of Record.

Notwithstanding limitations imposed by other provisions of this chapter, a permitted principal use and accessory buildings may be erected on a lot legally subdivided prior to the effective date of this title.

C. Nonconforming Uses and Structures.

Any use or structure not conforming to this code may be continued if the use or structure was lawfully existing at the time it became nonconforming. Nonconforming uses are subject to the following requirements:

1. Abandonment or Destruction. A nonconforming use which has been abandoned for one year or more shall not be reestablished except in conformance with this title.
2. No building that shelters a nonconforming use shall be enlarged or added onto. Any structural change that would increase or expand the nonconforming use is strictly prohibited.
3. If a nonconforming structure or use is changed to a conforming use, the nonconforming use shall not be allowed to exist again in the future.
4. Three or more mobile homes on one lot shall be considered a mobile home park. Mobile homes and travel trailers that are located on lots prior to the adoption of this title and totaling three or more on one lot will retain grandfather rights until moved off the property. When such trailers are moved off property another will not be allowed to take its place. Two trailers or mobile homes per lot shall be conforming to this section.
5. Nonconforming structures that burn down or are destroyed by an Act of God shall be allowed to rebuild subject to subdivisions 1, 2, 3 and 4 of this subsections. (Ord. 93-23 § 6(part), 1993)

17.04.043 CONDITIONAL USE PERMITS.

A. Purpose.

The purpose of a conditional use permit is to allow for flexibility in the zoning title by providing for uses that may be suitable in certain locations and not others. These uses will be expressly permitted conditional uses in the zone, clarified by a section labeled conditional use permits for each zone. It basically permits inclusion of uses that should not be permitted in every part of the zone but are reasonable in some areas of the zone with restrictions and conditions designed to fit the particular problem that the use may present. The applicant must meet with the planning official and address the Criteria for "Consideration in Establishing Approval" prior to being scheduled for a public hearing.

B. Criteria for Consideration in Establishing Approval or Denial the following criterial must be considered.

After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:

1. That the proposal is consistent with the Thorne Bay comprehensive plan, the City Municipal Code and all other applicable city ordinances;
2. That the proposed use is an expressly permitted conditional use in the zone, except in mixed Residential/ commercial III where there are no expressly permitted conditional uses;
3. That the requested use is generally compatible with other existing or proposed uses in the surrounding area;
4. That the proposed use would not adversely affect the health, safety or welfare of persons or property in the area neighboring the proposal and the surrounding area;
5. That the proposed use would not have an unfavorable or detrimental effect on property or property values in the area;
6. That building height, poor or decrepit construction and incompatibility would not significantly affect the surrounding area or the view shed in the neighborhood;
7. That all utilities to the proposal will be adequate or made adequate by the applicant and not interfere or adversely affect utility capacity in the area;
8. That traffic volume, type and patterns are taken into consideration and that access is adequate to serve any additional traffic flow;
9. That adequate off-street parking is provided. (See Section 17.04.041);
10. That the proposed use would not degrade land, water, air or habitat quality;
11. That all other reasonable objections were taken into consideration by the planning commission at the public hearing.

12. That the conditional use request is for work yet to be performed. (Ord. 15-12-15-02)

C. Procedure.

1. Application.
    a. An application must be filed on forms provided by the city by the property owner or an authorized representative. The application must be filed no later than twenty-one days prior to the next regularly scheduled planning commission meeting.
    b. All applications must include a site plan indicating:
        i. North arrow, scale and legend;
        ii. Property lines and approximate dimensions;
        iii. Location of all existing and proposed structures on the lot and their approximate distance from the lot lines;
        iv. Access bordering streets and easements on the property;
        v. Power pole; sewer and water lines serving the property;
        vi. Approximate dimensions of parking spaces if applicable.
2. Notification.
    a. Notice of the public hearing shall be made by first class mail to all property owners within three hundred feet of the exterior property boundary (one thousand feet in mixed Residential/commercial III) and shall be posted in five public places no less than ten days prior to the public hearing date.
    b. The notice shall contain:
        i. The name of the applicant;
        ii. The date, time and place of the hearing;
        iii. A descriptive location of the property and the legal description of the property if available;
        iv. A description of the nature and purpose of the use;
        v. The location where information about the proposal may be examined;
        vi. Reference numbers of the sections of the title that pertain to the application;
        vii. Explanation of the appeal procedure;
        viii. Vicinity map.
    c. Notices shall be sent to the most recent address that city records show. Failure of a property owner to receive a notification shall not invalidate a decision of the planning commission as long as a good faith effort has been shown to contact the property owner.

d. The property notification list shall be kept on file at City Hall.
e. A copy of the resolution approving or denying the application shall be sent to the applicant (and any affected party who requests notification).

D. Reviewing Body.

1. The reviewing body shall be the planning commission.
2. All formal decisions made by the reviewing body shall be made by resolution and shall address all required criteria for approval.

E. Appeals.

Appeals of the planning commission's decision must be made to the city council within thirty days of the postmark of the notification of the decision. Appeals must be made in writing. (ord. 93-23 § 6(part), 1993)

17.04.044 SPECIAL USE PERMITS.

Intent. This section shall govern the approval of all conditional use permits for the following uses and activities as defined in the "marijuana definitions": marijuana activity, licensed, marijuana cultivation facility, marijuana cultivation facility limited, marijuana product manufacturing facility, marijuana product manufacturing facility, extract only, marijuana retail facility, and marijuana testing facility. Such uses shall only be approved where there are no negative impacts that exist or where any negative impacts are mitigated through conditions that shall mitigate any potential negative impacts to preserve the public's health, safety, and welfare.

A. Application Requirements.

Same as the requirements set forth for a conditional use permit, section 17.04.043.

B. Standard Regulations, Dimensions, and Setbacks Specific to Special Use Permits

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by local state and federal codes.
3. All licensed manufacturing and cultivation use shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the state fire marshal or his designee.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the city and state of Alaska and shall comply with all standard and required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable city and state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated city and state license or city conditional use.
7. All approved conditional use permits shall comply with all cities of Thorne bay municipal codes, rules and regulations or shall be deemed to abandon and extinguish any associated city and state license or city conditional use permit.

C. Objective Criteria:

All proposed licensed facilities and/or uses for a conditional use at a specific location shall be reviewed according to the following objective criteria to determine whether the proposed use presents any negative impacts to the public's health, safety, and welfare.

1. All criterial listed in the title 17, zoning code, in reference to; the specific zone the proposed use is to be located in, the type of use and all conditional use standards.
2. Any impact or criteria that surfaces through public comment, city staff review, or planning commission review.

D. Determination:

Upon review and considerations of the require criteria, the planning commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.

1. If the proposed project does not present a negative impact, then the proposed use shall be approved with all the standard regulations and requirements based on the specific zoning.
2. If the planning commission finds negative impacts are present, the planning commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case by case specific and in addition to the standard regulations and requirements.
3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval then the planning commission shall deny the proposed conditional use permit. (Ord. 17-06-06-01)

17.04.045 VARIANCE PROCEDURE.

A variance is a tool that gives an applicant relief from the strict application of the zoning title. It will permit a justifiable exemption or exception to the development requirements of the title when their imposition would result in unnecessary hardship or practical difficulties.

Zoning limits the use of property and structures. A variance can lessen some of the limits that zoning imposes. to be granted a variance, the applicant must show how the zoning title impedes development on his/her property more than it would on other property within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other landowners within the same zone. The applicant must meet with the planning official and address the "Criteria for Consideration in Establishing Approval" prior to being scheduled for a hearing.

A. Criteria for Consideration in Establishing Approval or Denial the following criterial must be considered.

After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;
2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;
3. That the strict application of the provisions of this title would result in unnecessary hardship;
4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;
5. That the variance will not allow a land use in a zone that prohibits that particular land use;
6. That approval of the variance is consistent with the comprehensive plan;
7. That the variance is not requested because of monetary considerations or inconvenience.
8. That the variance request is for work yet to be performed.

B. Application Procedure.

1. Applications must be initiated by the property owner or by an authorized representative. The required fee must be paid and an application on city forms must be filed no less than twenty-one days prior to the hearing date.
2. Applications must be accompanied by a site plan that includes:
    a. North point arrow, date and scale;
    b. Exterior property boundaries and dimension;
    c. Access;
    d. All easements on the property;
    e. Location of all existing and proposed buildings on the property and their approximate distance from the lot lines;
    f. Sewer and water lines and power poles serving the property.

C. Notification.

1. Notification of variance application shall be made by first class mail to surrounding property owners which will consist of adjacent property owners and property owners located across rights-of way or alleys, no less than ten calendar days from the planning commission hearing.
2. The notice shall contain:
    a. The name of the applicant;
    b. Date, time and place of hearing;
    c. A description of the location of the property and the legal description of the property if available;
    d. A description of the character and purpose of the variance;
    e. The reference number of the sections of the title which pertain to the application;
    f. An explanation of the appeal process.
3. Notices shall be sent to the most current address on the city's utility listing or city records, and if no address can be found, the most current property owner listed in the State Recording office. The failure of a property owner to receive a notice shall not void a planning commission decision if a good faith attempt to contact the current property owner was made.
4. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that letters have been sent.

5. A copy of the resolution approving or denying the variance shall be sent to the applicant and to any other person who requests a resolution in writing.
6. Resolutions denying an application shall be mailed within five days of the date of the decision and will explain the appeal process.

D. Reviewing Body.

1. The reviewing body will be the planning commission.
2. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of Section 2.48.080 and shall address all required criteria for approval.

E. Appeals.

Appeals of the planning commission decision may be made to the city council within thirty days of the postmark of the notification of the decisions. Appeals must be made in writing. (Ord. 17-06-06-01, prior Ordinances: (Ord. 93-23 § 6(part), 1993)

17.04.046 AMENDMENTS TO THE ZONING TITLE INCLUDING REZONING.

A. Purpose.

At some point in time the city may want to amend this title or change the zoning of a particular area to provide for changes as a result of changing economic arrangements and factors, and for changing public need, this title may need to be amended and/or a change of land use designation or rezone may be appropriate.

B. Procedure.

Initiation of Rezone or Title Amendment. Changes in the zoning may be initiated by:

a) The city council on its own motion with planning commission recommendation.

b) The planning commission on its own motion with city council approval.

c) By petition signed by sixty percent of the property owners within the area of the proposed rezone. In addition to the necessary signatures the petition shall contain:

   i. A legal description of the property involved,

   ii. The reasons for the proposed change,

   iii. A fee to cover property owner notification.

C. Notification.

1. Notice of the hearing shall be made by first class mail to property owners within three hundred feet of the exterior property boundary (one thousand feet in the South Thorne Bay Subdivision) and shall be posted in five public places no less than ten calendar days prior to the hearing date.
2. Notice shall contain:
   i. Time, date and place of hearing, name of applicant.
   ii. The legal description of the property and a descriptive location of the property.
   iii. A description of the intent and nature of the proposed change.
   iv. The location where further information about the proposed change can be examined.
   v. An explanation of the appeal process.
3. Notices shall be sent to the most recent address on the city's utility listing or city records, and if needed the most current property owner listed in the State Recording office. Failure of a property owner to receive a notice shall not void a planning commission or city council decision if a good faith attempt was made to contact the property owner.

i. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that notification letters were sent.

ii. A copy of the resolution approving or denying the application shall be sent to the applicant and to any other affected person who requests a resolution in writing.

D. Planning Commission Recommendation.

1. The planning commission shall review the proposed change at a scheduled public hearing and make a formal recommendation to the city council.
2. All formal actions of the planning commission shall be made by a resolution conforming to Section 2.48.080.
3. The planning commission must ascertain the effect the rezone or title amendment will have on the comprehensive plan and property values in the surrounding area or neighborhood.
4. The planning commission must determine the necessity and justification for the title change or rezone.
5. The planning commission must decide whether the proposed change in title or rezone would be in the public interest that a change in zone would not rezone an area not included in the proposal, and the rezone shall not be less restrictive than the zone applied for.

E. City Council Action.

1. The planning commission shall submit their findings after a public hearing in the form of a resolution to the city council.
2. The city council will schedule a public hearing to consider the planning commission recommendation. The public hearing will be scheduled at the first regularly scheduled meeting of the city council that will allow for proper notification. Notification shall be as written in subdivision 2 of this subsection.
3. For the public hearing, the city clerk shall prepare an ordinance that will state the proposed amendment to the title. The proposed ordinance will be available for introduction at the public hearing.
4. Title changes that result in a zoning map change shall be identified by legal description. The change in the official zoning map or maps will be made by the city zoning official. (Ord. 17-06-06-01, prior Ordinances: (Ord. 93-23 § 6(part), 1993)

17.04.050 ENFORCEMENT, VIOLATIONS AND PENALTIES.

A. Enforcement. The city zoning official shall administer and enforce this zoning title.

B. Violations. When the city zoning official finds that any provisions of this title are being violated, he shall notify in writing the property owner or person responsible for the violation. The notification shall include the nature of the violation and the ordering action necessary to correct it. The zoning official shall order the discontinuance of illegal uses of land, buildings or structures; the removal of illegal buildings or additions; alterations or structures; and discontinuance of any illegal work that is being done.

C. Complaints Regarding Violations. Whenever a violation of the provisions of this title occurs, any person may file a complaint in writing at City Hall. All such complaints shall be brought to the city zoning official who shall record such complaints and investigate the violation. The results of the investigation of the violation shall be reported to the planning commission.

D. Penalties.

1) Whenever a violation of the provisions of this title occurs the property owner shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030.
2) If a violation continues, each day's violation shall be deemed as a separate violation.

(Ordinance 20-04-07-02, Section 050, § (D); Prior Ord. 93-23 § 6(part), 1993)

17.04.060 APPEALS.

A. Due Process.

This section guarantees the public due process in all land use actions. An administrative decision regarding a development permit may be appealed to the planning commission, decisions of the planning commission/platting board may be appealed to the city council sitting as the board of adjustment, and decisions of the city council may be appealed to the Superior Court of the state of Alaska. A written notice of appeal must be filed with the city clerk within thirty days after the decision being appealed is announced in writing.

B. Board of Adjustment.

The city council shall sit as the board of adjustment. The board of adjustment shall hear appeals regarding:

1. Alleged errors in the enforcement of the zoning title;
2. Decisions of the planning commission on requests for variance, conditional use permits and other land use action;
3. Decisions of the platting board on requests for preliminary and final plats.

C. Appeal Procedure.

1. Any concerned person aggrieved by a decision has a right to appeal that decision;
2. The appeal shall be filed with the city clerk;
3. An appeal in the form of a written narrative (written notice) shall be submitted explaining all reasons for the appeal and shall specify in detail all objections to the decision being appealed. This specific and concise narrative is what will be considered at the appeal hearing. The city clerk shall be the clerk of the board of adjustment. The written notice of appeal must be received by the city clerk within thirty days after the decision being appealed is announced in writing. Appeals received after this time limit will not be considered;
4. A duly filed appeal shall stay enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property.

D. Procedure of the Board of Adjustment.

1. The mayor shall act as the presiding officer of the board of adjustment. The presiding officer may limit presentations from witnesses to a reasonable period of time. Minutes shall be kept and the hearing shall be open to the public. If the planning commission

is hearing an appeal to an administrative decision, the chairman of the commission shall serve as the presiding officer and shall hold the same duties as the mayor.

2. In addition to the appellants written narrative, copies of all pertinent records, transcripts, minutes and resolutions of the planning commission approving or denying an application shall be gathered by the city clerk and distributed to the board of adjustment.
3. The board of adjustment shall make its decision based on the above record if it is adequate. If the record below is not adequate, the body hearing the appeal shall hold a public hearing (after public notice) to receive additional evidence from the appellant and other interested parties and shall reach its decision based on the record below as supplemented by the additional evidence.
4. A notice of the time and place of the public hearing shall be posted fifteen days in advance of the hearing in five public places in the city. at this time written notice shall be given to the appellant and other affected persons.
5. The board of adjustment, after hearing and considering the appeal, above record and public testimony, shall forthwith render a decision. Decisions of the board of adjustment shall be by motion setting forth the reasons for the motion, and the vote shall be taken by "yes" and "no" which shall be permanently entered on the record of proceedings. A majority vote in the affirmative adopts any motion.
6. Any party who participated in the proceedings before the board of adjustment and is aggrieved by the resulting decision of the board of adjustment may appeal that decision to the superior court, provided:
    a. Notice of appeal is filed with the superior court no later than thirty days following the board of adjustment's issuance of its written decision; this time limit is jurisdictional; and
    b. The appellant pays the city, by depositing with the city clerk, the city's cost of preparing the entire record (including the transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense.
7. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely in this title, pursuant to Alaska Statutes 29.40.060(b). (Ord. 93-23 § 6(part), 1993)

CHAPTER 17.05 ENFORCEMENT AUTHORITY

17.05.010 ENFORCEMENT

It shall be the duty of the Code Enforcement Officer, village public safety officer or other designee to enforce the provisions of this title. (Ordinance 19-08-20-05)

17.05.020 OBEDIENCE OF LAW REQUIRED.

It is a violation of this chapter for any person to do any act which is forbidden or to fail to perform any act required to be performed in this title. (Ordinance 19-08-20-05)

17.05.030 OBEDIENCE TO OFFICIALS REQUIRED.

The failure or refusal to comply with any lawful order or direction of the Code Enforcement Officer given in connection with this chapter shall be a violation of this title. (Ordinance 19-08-20-05)

17.05.040 CITIZEN COMPLAINTS - FILING A COMPLAINT

Citizens may file a notice of violation complaint with the city clerk's office. Complaints must be submitted in writing on a form prescribed by the city. (Ordinance 19-08-20-05)

17.05.050 AUTHORITY, INSPECTIONS, FEES.

A. The city may inspect property to determine compliance with this ordinance.
B. The designated planning official or Code Enforcement Officer may expand the scope of any inspection to include other city code violations noted during inspection.
C. Exempted from the operation of this ordinance is large, remote acreage in its natural state, acreage impossible to service with large machinery due to its terrain, property used for governmental purposes, and industrially and commercially zoned areas to the extent zoning permits storage of material ordinarily prohibited by this ordinance. This exemption is not operable when actual and probable danger exists.
D. If upon inspection, one or more violations of the Thorne Bay Municipal Code exists, the owner or responsible party will be required to correct all violations within a reasonable amount of time.
E. The city may charge reasonable fees to the owner and responsible party of a property for inspections, including their related activities and administrative functions, other than the initial inspection and the final inspection, conducted pursuant to this chapter. (Ordinance 19-08-20-05)

17.05.060 NOTICE OF VIOLATIONS:

A. Upon inspection, if the city finds a violation of this ordinance, the city may notify the owner, owner's agent, or responsible party through the issuance of a notice of violation. If a notice of violation is issued, it shall include:
    1. Identification of property in violation;
    2. Statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the problem;
    3. Re-inspection date;
    4. Address and phone number of a city representative to contact;
    5. City's authority to issue citations should owner or responsible party not correct the violation within thirty days; and
    6. Appeal procedures.

B. Any notice given for any purpose under this chapter shall be deemed effective on the date when written notice is hand-delivered, mailed certified and/or mailed regular, addressed to the property owner, owner's agent, or responsible party. If personal service or mailed service is not practicable, service of notice shall also be deemed effective upon notification through one-time public notice published in a newspaper of general circulation and by posting the property for a period of 30 days. Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations.

C. Nothing in this section shall require the issuance of a notice of violation prior to the issuance of a citation. (Ordinance 19-09-17-01; Prior Ord. 19-08-20-05)

17.05.065 EMERGENCY ORDERS

A. When it is found, after investigation, that a person is causing, engaging in or maintaining a condition or activity that, clearly demonstrates an imminent or present danger to the health, safety, or welfare of the people of the municipality, and it appears to be prejudicial to the interest of the people of the municipality to delay action until an opportunity for a hearing can be provided, the code enforcement officer, without prior hearing, may order that person by notice to discontinue, abate, or alleviate the condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.

B. Upon receipt of an order of the code enforcement officer made under subsection a of this section, the person affected has the right to be heard and to present proof to the city council that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the public health, safety or welfare or to the water lake watershed protection area.

C. In the chief executive officer's discretion or upon application made by the recipient of an order within seven days of receipt of the order, the chief executive officer shall schedule a hearing before the city council at the earliest possible time. The hearing shall be scheduled within five days after receipt of the application. The submission of an application or the scheduling of a hearing does not stay the operation of the code enforcement officer's order made under subsection a of this section.

D. After a hearing, the city council may affirm, modify, or set aside the order. An order affirmed, modified, or set aside after a hearing is subject to judicial review. The order is not stayed pending judicial review unless the city council so directs. If an order is not immediately complied with, the city attorney, upon request of the chief executive officer, may seek enforcement of the order. (Ordinance 21-01-19-01)

17.05.070 REMEDIATION MEASURES – AUTHORITY TO ENFORCE

A. The VPSO, Code Enforcement Officer or designee shall enforce the provisions of this ordinance including issuing citations for minor offenses. In addition, the chief administrator or designee is authorized to make safe any structure, in whole or part, which clearly demonstrates is an imminent threat to the health or safety of any person or persons due to the condition of such structure. (Ordinance 21-01-19-01; Prior Ord. 19-09-17-01)

B. No person shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the city who is lawfully and constitutionally engaged in the enforcement or execution of the provisions of this chapter.

C. The Code Enforcement Officer, City Planning Official or designee is authorized to make reasonable and necessary rules and regulations to carry out provisions of the ordinance. All such rules and regulations shall be approved by the city council after a public hearing. (Ordinance 19-08-20-05)

17.05.080 RECORDING A NOTICE OF VIOLATION.

The VPSO, Code Enforcement Officer or designee, shall record the notice of violation with the office of the city clerk. The city clerk shall keep record the notice of violation. Notice of violation shall run with the land and shall constitute notice, for all purposes of this ordinance, to all persons or entities thereafter acquiring an interest in the property. When the property is brought into compliance, if a notice of violation was recorded, a satisfaction of notice of violation shall be recorded. (Ordinance 19-08-20-05)

17.05.090 ENFORCEMENT INDEPENDENT OF OTHER OFFICIALS.

The authority of the city to enforce the provisions of this chapter is independent of and in addition to the authority of other city officials to enforce the provisions of any other chapter of the city code. (Ordinance 19-08-20-05)

17.05.100 VIOLATIONS AND PENALTIES.

A. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the fine schedule in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to $1,000 if the offense is not listed in 1.16.035.

B. Each day a violation continues shall constitute an additional violation for purposes of assessing fines. An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing violation, the court shall grant injunctive relief to restrain the violation and attorney fees as provided by law.

C. The owner of record, as recorded in Alaska Recorder's Office records, of the property upon which a violation of this ordinance exists may be presumed to be a person having lawful control over any building, structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons may be jointly and severally presumed to be persons having lawful control over the building, structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this ordinance against any person specified in subsection c of this section. (Ordinance 19-08-20-05)

CHAPTER 17.06 - COMPREHENSIVE PLAN

17.06.010 ADOPTION-INCORPORATION BY REFERENCE.

The chapter annexed to the ordinance codified in this chapter amends Title 17 of this code by adopting Chapter 17.06, Comprehensive Land Use Plan, which chapter consists of the Thorne Bay Comprehensive Plan dated June 1999, and accompanying Comprehensive Plan Map, copies of which are attached to the ordinance codified in this chapter and incorporated herein by reference. (Ord. 99-12 § 4, 1999: Ord. 89-10 § 4, 1989)

Zoning Districts and Zoning Maps. The city is divided into the following zoning districts:

1. Residential;
2. Deer Creek Residential;
3. Mixed Residential/commercial I;
4. Mixed Residential/commercial II;
5. Mixed Residential/commercial III;
6. Commercial;
7. Industrial;
8. Waterfront;
9. Public;
10. Low density Residential;
11. Medium density Residential;
12. High density Residential.

A. Zoning Maps.

The above zoning districts shall be denoted and defined as shown on maps entitled official Zoning Maps of the city, a certified copy of which will be on file with the city clerk.

B. Map Changes.

No changes of any nature shall be made to the official Zoning Maps except in conformity with procedures set forth in this title. Copies of these maps may be made and published in certain planning documents, however, the official zoning map on file with the city clerk shall be the final authority as to the current zoning of the land.

C. Map Replacement.

In the event that the official Zoning Maps becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the planning commission may, by resolution, adopt new official Zoning Maps that will supersede the prior official Zoning Maps. (Ord. 96-22 § 3, 1996; Ord. 93-23 § 6(part), 1993)

TITLE 1.16.035 - FINE SCHEDULE FOR VIOLATIONS OF TITLE 17-ZONING

Ordinance Number	Ordinance Description	Opt/Mand Appearance type:	Fine Amount	Max Fine Permitted
TBMC 17.04.022	Residential Zone. Failure To Submit Development Plans	Optional	$500.00	
TBMC 17.04.022 (b)	Residential Zone. Failure To Obtain Special Land Use Permit	Optional	$200.00	
TBMC 17.04.022 (c)	Residential Zone. Prohibited Uses	Optional	$500.00	
TBMC 17.04.022 (d)	Residential Zone. Development Standards Failure to Adhere To Zoning	Optional	$500.00	
TBMC 17.04.022 (e)	Residential Zone. Development Standards Failure to Adhere To Zoning (Tract B)	Optional	$500.00	
TBMC 17.04.023	Deer Creek Residential. Failure To Submit Development Plans	Optional	$500.00	
TBMC 17.04.023 (b)	Deer Creek Residential. Failure To Obtain Special Land Use Permit	Optional	$500.00	
TBMC 17.04.023 (c-2)	Deer Creek Residential. Prohibited Uses-Private Garbage Pits	Optional	$500.00	
TBMC 17.04.023 (c-3)	Deer Creek Residential. Prohibited Uses-Storage of Heavy Equipment	Optional	$500.00	
TBMC 17.04.023 (c-4)	Deer Creek Residential. Prohibited Uses-Storage of Derelict Vehicles Or Unsightly Accumulation Of Personal Property	Optional	$500.00	
TBMC 17.04.023 (D)	Deer Creek Residential. Failure to adhere to property development standards	Optional	$200.00	
TBMC 17.04.023 (D-1)	Deer creek residential. Property Development Standards. Failure to adhere to minimum lot size	Optional	$200.00	
TBMC 17.04.023 (D-2)	Deer creek residential. Property Development Standards. Failure to adhere to Parking Requirements off street on premises.	Optional	$200.00	
TBMC 17.04.023 (D-3)	Deer creek residential. Property Development Standards. Failure to adhere to Parking Setback Requirements.	Optional	$200.00	
TBMC 17.04.023 (D-4)	Deer creek residential. Property Development Standards. Building Height Exceeded	Optional	$200.00	
TBMC 17.04.023 (D-5)	Deer creek residential. Property Development Standards. Density exceeded	Optional	$200.00	
TBMC 17.04.023 (D-6)	Deer creek residential. Property Development Standards. Failure to connect to city utilities prior to occupancy.	Optional	$200.00	
TBMC 17.04.023 (D-8)	Deer creek residential. Property Development Standards. Exceeding building density	Optional	$200.00	
TBMC 17.04.023 (D-9)	Deer creek residential. Property Development Standards. Signs prohibited	Optional	$200.00	

TBMC 17.04.023 (D-10)	Deer creek residential. Property Development Standards. Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.024	Residential/Commercial-Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.024 (B)	Residential/Commercial-Failure to obtain Conditional Use Permit for non-residential use	Optional	$200.00	
TBMC 17.04.024 (c)	Residential/Commercial - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.024 (C-3)	Residential/Commercial - Property Development Standards. Failure to adhere to Parking Requirements off street on premises.	Optional	$200.00	
TBMC 17.04.024 (C-4)	Residential/Commercial - Property Development Standards. Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.024 (C-5)	Residential/Commercial - Building height exceeded.	Optional	$200.00	
TBMC 17.04.024 (c)(6)(d)	Residential/Commercial - Building density exceeded.	Optional	$200.00	
TBMC 17.04.024 (C-7)	Residential/Commercial - Fences exceeding height or obstructing vehicular traffic.	Optional	$200.00	
TBMC 17.04.024 (C-8)	Residential/Commercial - Signs prohibited	Optional	$200.00	
TBMC 17.04.025	Mixed Residential/Commercial II. Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.025 (B)	Mixed Residential/Commercial II - Failure to obtain Conditional Use Permit for non-residential use	Optional	$200.00	
TBMC 17.04.025 (c)	Residential/Commercial II - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.025 (c-3)	Mixed Residential/Commercial II - Property Development Standards. Failure to adhere to Parking Requirements off street on premises.	Optional	$200.00	
TBMC 17.04.025 (c-4)	Residential/Commercial II - Property Development Standards. Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.025 (c-5)	Residential/Commercial II - Building height exceeded.	Optional	$200.00	
TBMC 17.04.025 (c)(6)(c)	Residential/Commercial II - More than one principal structure on property	Optional	$200.00	

TBMC 17.04.025 (c)(6)(d)	Residential/Commercial II - Building density exceeded.	Optional	$200.00	
TBMC 17.04.025 (c)(7)	Residential/Commercial II - Fences exceeding height or obstructing vehicular traffic.	Optional	$200.00	
TBMC 17.04.025 (c)(8)	Residential/Commercial II - Signs prohibited	Optional	$200.00	
TBMC 17.04.026	Mixed Residential/Commercial III - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.026 (b)	Mixed Residential/Commercial III - Failure to obtain Conditional Use Permit for non-residential use	Optional	$200.00	
TBMC 17.04.026 (c)	Mixed Residential/Commercial III - Failure to file a Notice of Intent	Optional	$200.00	
TBMC 17.04.026 (f)	Mixed Residential/Commercial III - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.026 (f)(3)	Mixed Residential/Commercial III - Property Development Standards. Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.026 (f)(4)	Mixed Residential/Commercial III - Building height exceeded.	Optional	$200.00	
TBMC 17.04.026 (f)(5)	Mixed Residential/Commercial III - Property Development Standards. Failure to adhere to Parking Requirements off street on premises.	Optional	$200.00	
TBMC 17.04.026 (f)(6)	Mixed Residential/Commercial III - Building density exceeded.	Optional	$200.00	
TBMC 17.04.026 (f)(9)	Mixed Residential/Commercial III - Signs prohibited	Optional	$200.00	
TBMC 17.04.027	Commercial Zone - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.027 (b)	Commercial Zone - Failure to obtain Conditional Use Permit for non-permitted commercial uses	Optional	$200.00	
TBMC 17.04.027 (c)	Commercial Zone - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.027 (c)(3)	Commercial Zone - Property Development Standards. Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.027 (c)(5)	Commercial Zone - Property Development Standards. Failure to adhere to Parking Requirements off street on premises.	Optional	$200.00	
TBMC 17.04.027 (c)(4)	Commercial Zone - Building height exceeded.	Optional	$200.00	
TBMC 17.04.027 (c)(6)	Commercial Zone - Signs prohibited	Optional	$200.00	

TBMC 17.04.028	Industrial Zone - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.028 (b)	Industrial Zone - Failure to obtain Conditional Use Permit for non-permitted commercial uses	Optional	$200.00	
TBMC 17.04.028 (c)	Industrial Zone - Prohibited Uses	Optional	$200.00	
TBMC 17.04.028 (d)(1)(2)	Industrial Zone - Property Development Standards - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.028 (d)(1)(2)	Industrial Zone - Property Development Standards - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.028 (e)	Industrial Zone - Failure to adhere to parking requirements	Optional	$200.00	
TBMC 17.04.028 (f)	Industrial Zone - Failure to obtain DEC approval for Private sewer treatment plans and subdivisions.	Optional	$200.00	
TBMC 17.04.028 (g)	Industrial Zone - Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.029	Waterfront Zone - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.029 (d)	Waterfront Zone - Failure to obtain Conditional Use Permit for uses not outright permitted	Optional	$200.00	
TBMC 17.04.029 (e)	Waterfront Zone - Failure to adhere to property development standards, lot size, width and/or density	Optional	$200.00	
TBMC 17.04.029 (e)(3)	Waterfront Zone - Property Development Standards. Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.029 (e)(4)	Waterfront Zone - Building height exceeded.	Optional	$200.00	
TBMC 17.04.029 (e)(5)	Waterfront Zone - Failure to adhere to Parking Requirements off street on premises.	Optional	$200.00	
TBMC 17.04.029 (e)(6)	Waterfront Zone - Signs causing glare prohibited.	Optional	$200.00	
TBMC 17.04.029 (e)(7)	Waterfront Zone - Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.030	Public Zone - Development Permit Required	Optional	$200.00	
TBMC 17.04.030 (c)	Public Zone - Failure to adhere to Property Development Standards lot size, width and/or	Optional	$200.00	

	density			
TBMC 17.04.030 (c)(3)	Public Zone - Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.030 (c) (4)	Public Zone - Building height exceeded.	Optional	$200.00	
TBMC 17.04.030 (c) (5)	Public Zone - Failure to adhere to Parking Requirements off street on premises.	Optional	$200.00	
TBMC 17.04.030 (c) (6)	Public Zone - Signs causing glare prohibited.	Optional	$200.00	
TBMC 17.04.030 (c) (7)	Public Zone - Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.031	Low Density Residential - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.031 (b)	Low Density Residential - Failure to obtain Conditional Use Permit for non-permitted commercial uses	Optional	$200.00	
TBMC 17.04.031 (c)	Low Density Residential - Prohibited Uses	Optional	$200.00	
TBMC 17.04.031 (d)(1)(2)(3)	Low Density Residential - Property Development Standards - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.031 (d)(4)	Low Density Residential - Failure to adhere to parking requirements	Optional	$200.00	
TBMC 17.04.031 (d)(5)	Low Density Residential - Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.031 (d)(6)	Low Density Residential - Development impeding visibility	Optional	$200.00	
TBMC 17.04.031 (d)(7)	Low Density Residential - Building height exceeded.	Optional	$200.00	
TBMC 17.04.031 (d)(8)	Low Density Residential - Maximum Lot Coverage Exceeded	Optional	$200.00	
TBMC 17.04.031 (d)(9)	Low Density Residential - Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.032	Medium Density Residential - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.032 (b)	Medium Density Residential - Failure to obtain Conditional Use Permit for non-permitted commercial uses	Optional	$200.00	
TBMC 17.04.032 (c)	Medium Density Residential - Prohibited Uses	Optional	$200.00	
TBMC 17.04.032	Medium Density Residential - Property	Optional	$200.00	

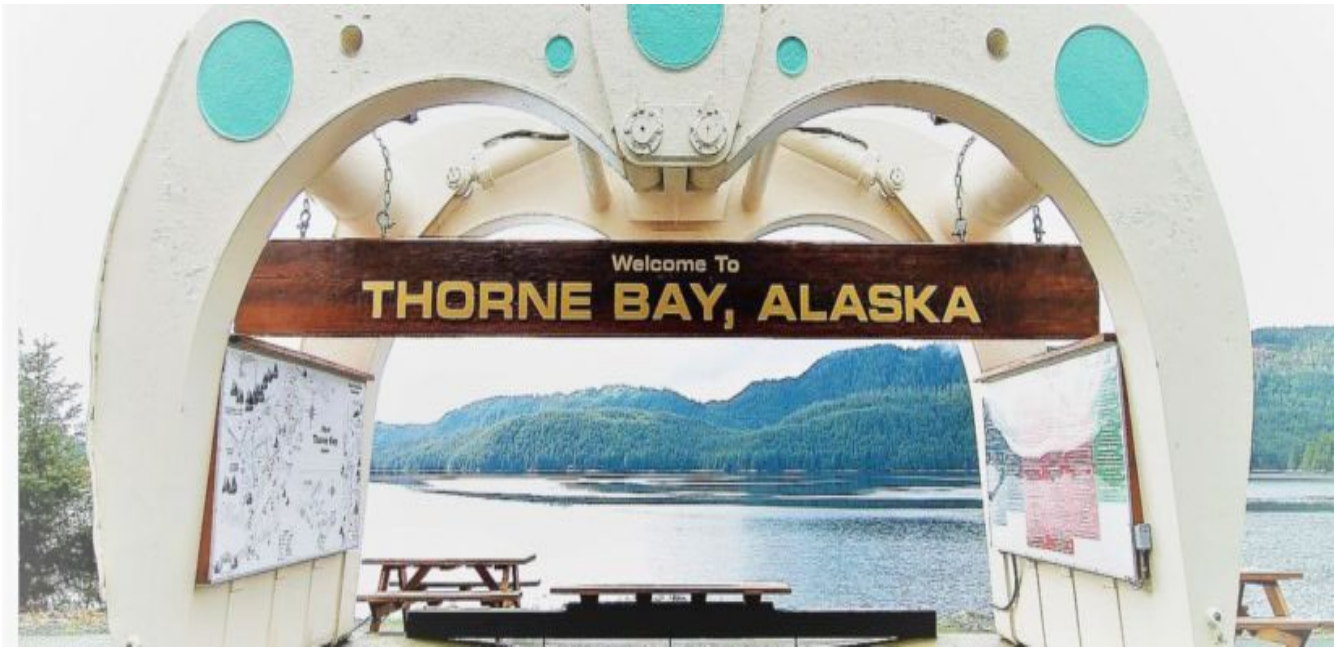
(d)(1)(2)(3)	Development Standards - Failure to adhere to Property Development Standards, minimum lot size, width and/or density			
TBMC 17.04.032 (d)(4)	Medium Density Residential - Failure to adhere to parking requirements	Optional	$200.00	
TBMC 17.04.032 (d)(5)	Medium Density Residential - Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.032 (d)(5)(d)	Medium Density Residential - Development impeding visibility	Optional	$200.00	
TBMC 17.04.032 (d)(6)	Medium Density Residential - Building height exceeded.	Optional	$200.00	
TBMC 17.04.032 (d)(7)	Medium Density Residential - Maximum Lot Coverage Exceeded	Optional	$200.00	
TBMC 17.04.032 (d)(8)	Medium Density Residential - Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.033	High Density Residential - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.033 (b)	High Density Residential - Failure to obtain Conditional Use Permit for non-permitted commercial uses	Optional	$200.00	
TBMC 17.04.033 (c)	High Density Residential - Prohibited Uses	Optional	$200.00	
TBMC 17.04.033 (d)(1)(2)(3)	High Density Residential - Property Development Standards - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.033 (d)(4)	High Density Residential - Maximum Lot Coverage Exceeded	Optional	$200.00	
TBMC 17.04.033 (d)(5)	High Density Residential - Failure to adhere to parking requirements	Optional	$200.00	
TBMC 17.04.0332 (d)(6)	High Density Residential - Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.033 (d)(6)(c)	High Density Residential - Development impeding visibility	Optional	$200.00	
TBMC 17.04.033 (d)(7)	High Density Residential - Building height exceeded.	Optional	$200.00	
TBMC 17.04.033 (d)(8)	High Density Residential - Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.034	Greentree Heights Residential - Failure to obtain development permit prior to construction	Optional	$200.00	
TBMC 17.04.034 (b)	Greentree Heights Residential - Failure to obtain Conditional Use Permit for non-permitted uses	Optional	$200.00	

TBMC 17.04.034 (c)	Greentree Heights Residential - Prohibited Uses	Optional	$200.00	
TBMC 17.04.034 (d)(1)	Greentree Heights Residential - Property Development Standards - Failure to adhere to Property Development Standards, minimum lot size	Optional	$200.00	
TBMC 17.04.034 (d)(2)	Greentree Heights Residential - Failure to adhere to parking requirements	Optional	$200.00	
TBMC 17.04.034 (d)(3)	Greentree Heights Residential - Failure to adhere to setback requirements	Optional	$200.00	
TBMC 17.04.034 (d)(4)	Greentree Heights Residential - Building height exceeded.	Optional	$200.00	
TBMC 17.04.034 (d)(6)	Greentree Heights Residential - Failure to hook into municipal utilities.	Optional	$200.00	
TBMC 17.04.034 (d)(8)	Greentree Heights Residential - Development-Failure to adhere to building requirements	Optional	$200.00	
TBMC 17.04.034 (d)(9)	Greentree Heights Residential - Signs Prohibited	Optional	$200.00	
TBMC 17.04.034 (d)(10)	Greentree Heights Residential - Fences exceeding height or obstructing vehicular traffic	Optional	$200.00	
TBMC 17.04.034 (d)(11)	Greentree Heights Residential - Failure to have septic system inspected prior to constructing buildings	Optional	$200.00	
TBMC 17.04.036 (b)	Mobile Home Park - Failure to obtain Conditional Use Permit from City Planning Commission	Optional	$200.00	
TBMC 17.04.036 (c)	Mobile Home Park - Failure to adhere to Mobile Home Park Design Requirements	Optional	$200.00	
TBMC 17.04.036 (c) (1)(2)(3)	Mobile Home Park - Failure to adhere to Property Development Standards, minimum lot size, width and/or density	Optional	$200.00	
TBMC 17.04.036 (c)(7)	Mobile Home Parks - Failure to adhere to setbacks	Optional	$200.00	
TBMC 17.04.036 (c)(10)	Mobile Home Parks - Non-compliant water supply and/or sewage disposal systems	Optional	$200.00	
TBMC 17.04.036 (c)(12)	Mobile Home Parks - Failure to provide a screen of view obscuring fencing around the mobile home parks	Optional	$200.00	
TBMC 17.04.037 (b)	Recreational Vehicle and Travel Trailer Parks - Failure to obtain Conditional Use Permit from Planning Commission.	Optional	$200.00	
TBMC 17.04.037 (c)	Recreational Vehicle and Travel Trailer Parks - Failure to adhere to Development Standards.	Optional	$200.00	

TBMC 17.04.037	Recreational Vehicle and Travel Trailer Parks - Failure to license Recreational Vehicle within Trailer Park.	Optional	$200.00	
TBMC 17.04.041 (d)	Off-Street Parking Requirements - Violation of Required Parking Spaces	Optional	$200.00	
TBMC 17.05.030	Obedience to officials required - The failure or refusal to comply with any lawful order or direction of the Code Enforcement Officer given.	Optional	$200.00	
TBMC 17.05.070 (b)	Enforcement - Remediation measures – authority to enforce - unlawful threat or physical force to cause harm, or obstruction, impediment or interference with investigation	Optional	$200.00	

Fine Schedule Updated April 7, 2020 – Ordinance 20-04-07-01

2019



TITLE 18 - BOAT HARBOR

Thorne Bay Municipal Code

Codified April 2019

TITLE 18 - CITY BOAT HARBOR

CHAPTER 18.10 - GENERAL PROVISIONS 511

18.10.010 APPLICABILITY OF PROVISIONS. 511
18.10.020 DEFINITIONS. 511
18.10.030 POLICY AND INTENT-CITY LIABILITY DENIED. 513
18.10.040 HARBOR COMMISSION. 514
18.10.050 HARBORMASTER. 514

CHAPTER 18.20 - REGISTRATION AND STALL ASSIGNMENT 515

18.20.010 TRANSACTIONS TO BE CONDUCTED AT CITY HALL OR AT THE HARBOR OFFICE. 515
18.20.020 APPLICATION FOR MOORING OR USE OF THE HARBOR FACILITIES. 515
18.20.030 RENTAL AND USE FEES-USE OF VACANT STALLS. 515
18.20.040 PAYMENT OF RENTAL AND USE FEES. 515
18.20.050 LIEN FOR UNPAID RENTALS AND FEES. 516
18.20.060 PRIORITY IN SPACE ASSIGNMENT-METHOD. 517
18.20.070 PRIORITY IN SPACE ASSIGNMENT-PRESENT RENTERS GET LOWEST. 517
18.20.080 SALE OF VESSEL TERMINATES MOORAGE-EXCEPTION. 517
18.20.090 COMMUTER VESSEL MOORAGE. 518

CHAPTER 18.30 - RULES FOR USE OF HARBOR FACILITIES 519

18.30.010 LIVE-ABOARD POLICY. 519
18.30.020 CONDUCT IN HARBOR FACILITY-RULES GENERALLY. 520
18.30.030 CONDITION OF VESSELS. 520
18.30.040 POWER OF HARBORMASTER TO BOARD AND INSPECT VESSELS AND FACILITIES. 521
18.30.050 POWER OF HARBORMASTER TO MOVE VESSELS. 521
18.30.060 PERSONS TO COMPLY WITH HARBORMASTER'S COMMUNICATIONS. 521
18.30.070 PERSONS TO OBEY LAWFUL REGULATIONS AND MEET ACCEPTED SAFETY STANDARDS. 521
18.30.080 HARBORMASTER MAY PUMP VESSELS AND MAINTAIN LINES. 521
18.30.090 FEES FOR PUMPING VESSELS OR LINE MAINTENANCE BY HARBORMASTER. 522
18.30.100 USE OF GRIDS. 522
18.30.103 USE OF SEAPLANE FLOATS. 522
18.30.105 USE OF BOAT LAUNCH RAMPS. 522

18.30.106 USE OF FISH CLEANING STATION. 523
18.30.108 USE OF OTHER HARBOR FACILITIES. 523
18.30.110 LOADING ZONES. 523
18.30.120 CONDUCTING BUSINESS IN HARBOR FROM ANY VESSEL. 524
18.30.130 ACTS PROHIBITED WITHOUT PRIOR APPROVAL OF THE HARBORMASTER. 524
18.30.140 PROHIBITED ACTS. 524
18.30.150 ELECTRICAL SERVICE TO VESSELS-CONDUCTOR SPECIFICATIONS. 526
18.30.160 REGULATION OF VEHICLES AND PARKING AREAS. 527
Chapter 18.40 - CONTROL OF NUISANCE AND DERELICT BOATS 528
18.40.010 DERELICT, NUISANCE, UNSEAWORTHY, WRECKED AND SUNKEN VESSELS 528
18.40.020 ABATEMENT OF NUISANCE-IMPOUNDMENT-REMOVAL AND SALE.529
18.40.030 PROCEDURE FOR DESTRUCTION, SALE OR OTHER DISPOSITION OF BOAT. 530
18.40.040 IMPOUNDMENT-FINAL DISPOSITION OF SOLD AND UNSOLD VESSELS. 531
18.40.050 OTHER PROPERTY BECOMING A NUISANCE. 531
CHAPTER 18.50 – ENFORCEMENT 533
18.50.010 ENFORCEMENT POWERS OF HARBORMASTER. 533
18.50.020 VIOLATIONS & PENALTIES. 533
18.60 CITY HARBOR FUND 534
18.60.010-CITY HARBOR FUND 534

CHAPTER 18.10 - GENERAL PROVISIONS

18.10.010 APPLICABILITY OF PROVISIONS.

The provisions of this title shall apply to all persons on or within the city's harbor jurisdiction. (Ord. 89-30 § 5(part), 1989)

18.10.020 DEFINITIONS.

Whenever the following words or terms are used in this title, they shall have the meaning ascribed to them in this section, unless the context makes such meaning repugnant thereto:

"Boat grid" means all facilities maintained, leased or owned by the city for use while repairing, bottom scraping or painting vessels by allowing said vessels to go dry on low tides.

A. "City's harbor jurisdiction" means the harbor facility and all navigable waters situated within the city's tideland lease area.

B. "Commuter vessel" means any vessel not used for commercial activities (including the embarking or disembarking of passengers as part of such commercial activities), home-ported in the city which is used by a resident of the city for the main purpose of transporting that resident or his family from place of residence to the main town site for purposes of attending work, obtaining materials and supplies, or attending school or school-related activities.

C. "Constituting a nuisance" means any vessel which is not kept and regularly pumped free of excess water inside her hull, or is submerged, or creates a fire, health or navigation hazard, or is a derelict, or has become a nuisance because of nonpayment of fees.

D. "Derelict vessel" means a vessel that has been left unattended for a continuous period of more than twenty-four hours, if:

1. The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or

2. The vessel has been moored or otherwise left in the city boat harbor, and if:

I. The vessel's certificate of number or marine document has expired, and the registered owner no longer resides at the address listed in the vessel registration or marine document records of a state department or the United States Coast Guard; or

II. The last registered owner of record disclaims ownership and the current owner's name, or address cannot be determined; or

III. The vessel identification numbers, and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner; or

IV. The vessel registration records of a state department and the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name cannot be determined.

E. "Finger float" means the numbered floats attached and connected to the master floats. Finger floats shall be identified by numbers. All floats now or hereafter installed, whether or not connected with master floats, shall be suitably identified.

F. "Float" means all floating or stationary walkways and structures appurtenant thereto to which vessels may be moored, which are owned or maintained by the city.

G. "Harbor facility" means any float, piling, dock, ring, buoy, stall, seaplane float, boat ramp, vehicle parking area, structure, submerged lands and uplands directly associated with submerged lands use or other harbor improvement constructed, maintained, or owned or leased by the city.

H. "Residence" means the dwelling unit where one actually resides; one's home.

I. "Seaplane" means an airplane which is capable of landing in water.

J. "Transient/guest vessel" means any vessel not home ported in Thorne Bay by designation or transactional utilization.

K. "Vehicle" means all trucks, automobiles, motorcycles, all-terrain vehicles and non-motor vehicles of every kind and description, pleasure and commercial.

L. "Vessel" means all ships, boats, skiffs and craft of every kind and description, pleasure and commercial, including a seaplane, on the water, used or capable of being used as a means of transportation on or through the water.

M. "Vessel Length" length of a vessel from stern to stem, including all fixed protuberances.

N. "**Vessel owner, master or agent**" means the individual, partnership or corporation renting a stall or mooring space in the city boat harbor, or someone acting for that individual or corporation. (Ord. 19-04-02-01; § (n); prior Ord. 97-22 § 3(part), 1997; Ord. 92-17 § 4, 1992; Ord. 89-30 § 5(part), 1989)

18.10.030 POLICY AND INTENT-CITY LIABILITY DENIED.

It is declared that the intent of this title is to further the use of facilities of the city boat harbor by commercial fishermen, government vessels, commercial vessels in trade and commerce, pleasure craft, seaplanes and the general public. It is the further intent of this title to prevent and discourage the use of the facilities of the city boat harbor by vessels which have been abandoned by their owners to the point of becoming derelict vessels, as defined in this title. The policy of this title is to maximize the safe and efficient use of the harbor facilities. Payment of a user fee entitles an individual to facility use on a priority basis. Nothing shall limit the ability of the harbormaster to assign the vessels to any unused berth, stall or mooring space ("hot-berth") in the interest of public safety. It is the policy of the city that any persons visiting or using the harbor facility will do so at their own risk. The city does not assume responsibility for loss or damage to property, or injury to per- sons within or upon the harbor facility. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.10.040 HARBOR COMMISSION.

There is established the harbor commission for the city to assist and advise the city with respect to all harbor-related problems or activities. The harbor commission shall consist of members from the community and the number of commission members shall be determined by the city council. Members shall be appointed for a term of one year by the chief administrative officer and confirmed by the council. Commission members shall elect a chairperson from the members, subject to confirmation by the council, to conduct the affairs of the commission. In the event that a harbor commission is not appointed, the city council will perform the duties of the harbor commission. (Ord. 97-03 § 3(part), 1997: Ord. 96-06 § 3,1996: Ord. 93-02 § 4, 1993: Ord. 90-28 §§ 5 and 6(part), 1990)

18.10.050 HARBORMASTER.

The chief administrative officer shall appoint a person as harbormaster for the city. The harbormaster shall, under the direction of the city's chief administrative officer, supervise and manage all Thorne Bay boat harbor facilities; and enforce all laws of the harbor as provided in title 18 of the Thorne Bay Municipal Code.(Ordinance 18-08-07-01 (part); Prior Ord. 90-28 § 6(part), 1990)

CHAPTER 18.20 - REGISTRATION AND STALL ASSIGNMENT

18.20.010 TRANSACTIONS TO BE CONDUCTED AT CITY HALL OR AT THE HARBOR OFFICE.

All registration of boats and seaplanes, payment of harbor facility charges, and other harbor facility business will be conducted at City Hall or at the Harbor office. (Ord. 97-22 § (part), 1997: Ord. 89-30 §5(part), 1989)

18.20.020 APPLICATION FOR MOORING OR USE OF THE HARBOR FACILITIES.

A. The application for mooring of vessels, seaplanes or use of the Harbor Facilities, as defined in Title 18, shall be in such form as is required by the city and shall be filed with the city clerk.

B. A copy of Title 18, Thorne Bay Municipal Code, pertaining to use of Harbor Facilities as defined in Title 18 shall be given to each successful applicant along with an approved signed application. (Ord. 97-03 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)(Ord. 15-12-15-03)

18.20.030 RENTAL AND USE FEES-USE OF VACANT STALLS.

Fees for the privilege of berthing or mooring any vessel or seaplane, short or long term, at the harbor facility or for use of other Harbor Facilities, including but not limited to seaplane floats, boat grid, pump out station, fish cleaning station, boat launch ramp, hoists or any other Harbor Facility as defined in Title 18, shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989; Prior Ord. 15-12-15-03)

18.20.040 PAYMENT OF RENTAL AND USE FEES.

A. All use of any harbor facilities shall be payable in advance, moorage and other fees are payable in advance. Guest or transient use fees shall be based on the fees established by the City Council for daily rates. Permanent use fees (contracts) shall be based on the fees established by the City Council for monthly, biannually, or annual rates.

B. Billing will be computed by length of vessel overall (stern to stem)

C. Use of Harbor Facilities for less than 1 month will be charged daily guest rates or charged the appropriate monthly rate with a signed contract. All new harbor contracts without a deposit on file shall be required to pay a deposit equal to two-times the monthly rate charged.

    1. Deposits shall not exceed the maximum deposit requirement as set forth by resolution for any account. Contracts shall begin at the first of the month.

D. The billing clerk shall send a bill to persons renting a stall or mooring space on or about the first day of each month. Said bill shall be due and payable on the twentieth day of the month. Such bill will also contain a statement for additional services which have been rendered during the prior month. Bills not paid by the due date shall be subject to a two percent monthly service charge.

(Ordinance 19-04-02-01; § (b); prior Ordinance 18-12-04-02, § A (part), Prior Ord. 18-09-18-03, § B (part), Prior Ord. 13-04-02-04; Prior Ordinance 05-06-21-02 & Ord. 89-30 § 5(part), 1989)

18.20.050 LIEN FOR UNPAID RENTALS AND FEES.

A. All rentals and other fees accruing to the city from the use of the harbor facilities shall constitute a lien against such vessel, seaplane, vehicle or other lien able item.

B. It is unlawful for any vessel, seaplane or vehicle owner, master or agent who is in default of any charges accruing to the city under the provisions of this chapter to use any harbor facilities prior to the payment of all charges imposed by this chapter. Persons violating this section are guilty of an infraction and shall be punished by the fine established in 1.16.035. (Ordinance 18-08-07-01; (part))

C. If the owner, master or agent of any vessel seaplane or vehicle shall fail to pay any charges within the first twenty days of the month; a notice of delinquency shall be mailed or delivered to the owner, master or agent of the vessel advising of delinquency and assessing a fee established by resolution of the city council.

D. If fees are not paid in full by the fifth day of the next month, the vessel is in default and is subject to both tow-away and loss of moorage space assignment. (Ord. 89-30 § 5(part), 1989)

E. In the event any mooring fees are not paid within sixty days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event that any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within thirty days after the service of the notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbor commission because the boat has been declared to be a nuisance. (Ord. 13-04-02-04)

18.20.060 PRIORITY IN SPACE ASSIGNMENT-METHOD.

Assignment of spaces in the city boat harbor shall be allocated on a first-come, first-served basis, with names at the top of the list to first be assigned to recently vacated stalls of the appropriate nature. The city may take into consideration special requirements of vessels and make a separate list according to either vessel length or character of vessel. (Ordinance 18-09-18-03, § A (part), Prior Ord. 89-30 § 5(part), 1989)

18.20.070 PRIORITY IN SPACE ASSIGNMENT-PRESENT RENTERS GET LOWEST.

Those persons already assigned a stall shall be given at all times the lowest priority in seeking additional stalls. Only two boat stalls shall be permitted without prior approval of the harbor commission or City Council. Those paying annual moorage and those paying annual moorage that operate licensed Thorne Bay businesses and demonstrate a need for more than two stalls may request approval of the Harbor Commission or City Council for additional stalls subject to availability on a monthly basis. ((Ordinance 18-09-18-03, § A (part), Prior Ord. 90-28 § 4(part): Ord. 89-30 § 5(part), 1989)(Ord. 16-04-19-01)

18.20.080 SALE OF VESSEL TERMINATES MOORAGE-EXCEPTION.

Sale of an assigned vessel shall constitute termination of the mooring privilege unless the stall renter re-places the vessel with a similar-sized vessel or demonstrates to the harbormaster that he or she intends to replace the vessel within a six-month period of time. (Ord. 89-30 § 5(part), 1989)

18.20.090 COMMUTER VESSEL MOORAGE.

Commuter vessel moorage spaces in the city boat harbor shall be on a daily first-come first-served basis. City makes no guarantee regarding the sufficiency or availability of day-to-day commuter vessel moorage. Commuter vessels may not occupy the same moorage space for more than eighteen consecutive hours in a twenty-four-hour period of time. Violations shall be governed by Chapter 18.50 of this code. (Ord. 92-17 § 5, 1992)

CHAPTER 18.30 - RULES FOR USE OF HARBOR FACILITIES

18.30.010 LIVE-ABOARD POLICY.

A. A person using his/her own or another person's vessel as a residence as defined in 18.10.020 (I), for more than seven (7) consecutive days, at any time during a month is considered a live aboard for purposes of this title and is liable for the full monthly live aboard rate. Applications and first month's fee and deposit must be submitted to the city at the time of occupying slip and paid in monthly, six month or annual installments thereafter.

B. Live aboard vessels are referred to as "Permanent Live-Aboard" and "Seasonal Live-Aboard"
    1. Permanent live-aboard is defined by use of any vessel as a residence for more than 6 months within a calendar year.
    2. Seasonal live-aboard is defined by use of any vessel as a residence for more than 7-days but less than 6 months within any calendar year.

C. Maximum capacity for live-aboard vessels occupied in the city harbor is set by resolution. (Ordinance 18-09-18-03, § A (part), B, C)
    1. Live-aboard wishing to use their boats seasonally may reserve their live-aboard status if:
        i. Their deposit is retained by the city,
        ii. A standby fee is paid in advance as established by Resolution, and they are paying an annual fee for the stall,
        iii. Upon reconnection of live aboard status, users will be required to pay an administrative fee at the rate set forth in the most current resolution schedule. (Ord. 18-05-01-01; Subsection 18.30.010; Prior Ord. 16-06-21-01)

D. No more than two pets may be kept on a live aboard vessel at the discretion of the harbormaster. Any complaint may constitute the immediate removal of the pets.

E. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard and the Alaska Department of Environmental Conservation.

F. Oil, gas, electric or wood heating units, if installed, must be installed and utilized in conformance with manufacturer's specifications.

G. Live-aboard fees shall be established by resolution of the city council and will not be prorated unless the moorage agreement is terminated, and the boat removed from the harbor.

H. Deposit for Live-aboard agreements shall be established by resolution of the City Council. (Ordinance 18-09-18-03, § A (part), B, C; Prior Ord. 16-06-21-01, amending section- A ; Prior Ordinances: 16-06-07-02; Ord. 13-08-06-01; Ord. 13-04-02-04; Ord. 89-30 § 5(part), 1989)

18.30.020 CONDUCT IN HARBOR FACILITY-RULES GENERALLY.

A. Vessel moorage within the harbor facilities shall be for active operational vessels or seaplanes only, and must possess a display all local, State and Federal Registrations, licenses and permits.
B. Vessels, when unattended, must be securely moored with adequate bow, stern and spring lines or tie-downs, as applicable.
C. Vessels moored in the harbor facility must, at all times, be completely seaworthy or air worthy, as applicable, and ready for immediate or emergency departure, under the power of a gas or diesel engine, or if equipped with oars by oar, into local waters, and also may not be chained or locked to any float.
    1. Harbor Master may request owner of agent of any vessel to start and move said vessel out one hundred yards and back under its own power.
    2. Mechanical problems must be immediately reported to the Harbor Master.
    3. Harbor Master may grant a 30-day grace period for repairs with additional grace period if needed, so long as progress toward repairs is being made.
D. All vessels entering the harbor facility must have a valid identifying name or number permanently affixed to the vessel and visible from the outside. Failure to have either shall be cause for refusal of moorage.
E. All berthing and moorage of vessels in the city boat harbor shall be in strict accordance with signs posted by the harbormaster.
F. The movement of vessels within the moorage areas shall be for the purpose of mooring and entering or leaving his area only. Vessel speeds within and approaching the harbor facility shall be slow enough so that no wake will be created by the movement of a vessel.
G. All vessels and vehicles will be parked, moored and maneuvered in a safe and orderly manner.
H. All children twelve years of age or younger shall wear a US Coast Guard approved life vest at all times while on harbor facilities.
I. All power cords, lines and other equipment must be used and kept in a way not to create hazardous conditions for other users of harbor facilities. (Ordinance 17-03-21-02; Prior Ordinances 13-04-02-04 (part); Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989))

18.30.030 CONDITION OF VESSELS.

All vessel owners, masters, agents, crew or guests, when using the harbor facility for moorage or otherwise, shall keep their vessel, equipment, pier, float or finger float in the vicinity of their vessel neat, clean and in an orderly manner. (Ord. 89-30 § 5(part), 1989)

18.30.040 POWER OF HARBORMASTER TO BOARD AND INSPECT VESSELS AND FACILITIES.

The harbormaster reserves the right to inspect any and all vessels and leased areas within the harbor facility at any time, for cause. This regulation should not be construed to mean that performing such inspections is the responsibility of the harbormaster or harbor facility. (Ord. 89-30 § 5(part), 1989)

18.30.050 POWER OF HARBORMASTER TO MOVE VESSELS.

The harbormaster may move any vessels within the harbor on the waters of Thorne Bay within the City of Thorne Bay boundaries. The Harbormaster may respond to and move any vessel, for reason of protection of life or property, or during an emergency condition. Fees for the services rendered shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. (Ord. 89-30 § 5(part), 1989)

18.30.060 PERSONS TO COMPLY WITH HARBORMASTER'S COMMUNICATIONS.

Any person present, upon, within, or using the harbor facility or the facility equipment shall comply with all verbal or written communications of the harbormaster. These communications include citations issued for violating the provisions of this chapter, and administrative and operational policies and procedures, as issued by the harbormaster or council. (Ordinance 18-08-07-01; Prior Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.070 PERSONS TO OBEY LAWFUL REGULATIONS AND MEET ACCEPTED SAFETY STANDARDS.

Those persons and vessels utilizing the harbor facility shall obey all harbor facility, municipal, state and federal laws and regulations, as well as those generally accepted safety standards and requirements. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 89-30 § 5(part), 1989)

18.30.080 HARBORMASTER MAY PUMP VESSELS AND MAINTAIN LINES.

The harbormaster is granted the power and authority to, from time to time, but without any obligation or duty to do so, and without any obligation or liability on his part or that of the city for his failure to do so, replace defective mooring lines, secure any vessel with additional mooring line or tie downs, and pump vessels, including seaplane floats, which are in a dangerous condition. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.090 FEES FOR PUMPING VESSELS OR LINE MAINTENANCE BY HARBORMASTER.

Whenever the harbormaster shall perform any of the acts authorized in Section 18.30.080, after having given notice to the vessel owner, master or agent at the registered address, of the immediate need thereof, or having attempted to give such notice, the vessel owner, master or agent is required to pay fees established by resolution of the city council. (Ord. 89-30 § 5(part), 1989)

18.30.100 USE OF GRIDS.

A. The harbormaster shall assign grid privileges on a first-come, first-served basis.
B. Fees for the privilege of using grids shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change, or amend such fees, charges and conditions.
C. Grid users shall obey all grid use laws, rules, and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.103 USE OF SEAPLANE FLOATS.

A. The harbormaster shall assign seaplane parking float moorage privileges on a first-come, first-served basis. The seaplane landing float shall be used on a first-come, first-served basis.
B. Fees for the privilege of using the seaplane parking float and seaplane landing float shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.
C. Seaplane facility users shall obey all seaplane facility use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws.
D. Boats are prohibited from mooring or otherwise using the seaplane parking and landing floats unless authorized by the harbormaster. (Ord. 97-22 § 3(part), 1997)(Ord. 13-04-02-04)

18.30.105 USE OF BOAT LAUNCH RAMPS.

A. The boat launch ramp shall be used on a first-come, first-served basis.
B. Fees for the privilege of using the boat launch ramp shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.
C. Boat launch ramp users shall obey all boat launch ramp use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.106 USE OF FISH CLEANING STATION.

A. The fish cleaning station shall be used on a first-come, first-served basis.
B. Fees for the privilege of using the fish cleaning station shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.
C. Fish cleaning station users shall obey fish cleaning station ramp use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.108 USE OF OTHER HARBOR FACILITIES.

A. Other harbor facilities shall be used as directed by the harbormaster or council.
B. Fees for the privilege of using other harbor facilities shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.
C. Users of other harbor facilities shall obey all use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.110 LOADING ZONES.

There shall be reserved loading zones within the harbor facilities. Zones shall be adequately marked, with mooring time being limited to the hours posted. Violations shall be governed by Chapter 18.50. (Ord. 89-30 § 5(part), 1989)

18.30.120 CONDUCTING BUSINESS IN HARBOR FROM ANY VESSEL.

Any vessel owner, master or agent desiring a temporary mooring space within the harbor facilities for the purpose of selling any merchandise shall make application to the harbormaster for such space and shall pay a daily rental established by resolution. Peddlers and itinerant merchants shall have a valid license, all in accordance with applicable laws. (Ord. 89-30 § 5(part), 1989)

18.30.130 ACTS PROHIBITED WITHOUT PRIOR APPROVAL OF THE HARBORMASTER.

The following acts are prohibited unless the prior written approval of the harbormaster has been obtained:

A. Using a vessel as a residence, as defined by Section 18.20.020. Persons requesting moorage space to be used as a residence, or those who, while using a moorage space, do not regularly use the vessel as a fishing, freight or pleasure craft, must first comply with such separate regulations and conditions as are set forth and deemed appropriate by the harbormaster;
B. Issuance of a permit or license for commercial use of the harbor facility. The requirements and conditions for such permits or licenses shall be prescribed in separate instructions as issued. Sale from a private vessel is governed by Section 18.30.120;
C. Major maintenance or repair work, including spray painting, sandblasting, welding, burning, outfitting, etc., upon any vessel;
D. Tapping, connecting, disconnecting, interfering with or tampering with electrical outlets or devices installed within the harbor facility;
E. Moving or altering any wharf, float, gang plank, ramp or other facility in the harbor facility;
F. Posting of signs on the harbor facility for the sale of items or the charter or rental of vessels;
G. Borrowing or using any harbor facility equipment;
H. Operating a four-wheeler, all-terrain vehicle, with or without a trailer, for the purpose of loading or unloading vessels or aircraft at the seaplane float facilities. (Ord. 98-20 § 3(part), 1998; Ord. 89-30 § 5(part), 1989)

18.30.140 PROHIBITED ACTS.

Unless otherwise provided in this chapter, the following acts are prohibited:

A. Operating or causing any vessel to be operated recklessly, or otherwise engaging in a careless manner within the harbor jurisdiction that is dangerous or a nuisance to the person or property of another;

B. Tying or mooring pile drivers, scows, barges, boat houses, or other similar vessels, or vessels over one hundred feet in length, or more than 20% of stall length as measured by length overall from the furthest part of the bow to the furthest part of the stern, to any float or stall; unless authorized to do so by the Thorne Bay Harbor Master.

C. Using bumpers that cause damage to docks;

D. Dumping garbage, trash, oil, fuel, debris or other materials, liquid or solid, into the waters, or onto the land areas, floats and piers of the harbor facility, except into such containers as are provided for that specific purpose. Waste oil must be poured into special containers provided for that specific purpose;

E. Discharging of sewage from toilet facilities on vessels while within the harbor jurisdiction;

F. Setting any net or fish-taking device within the harbor jurisdiction unless it is attended at all times. The net or device cannot be over the length of the vessel and must be alongside of the vessel. No net or device may be set so as to obstruct navigation or mooring within the harbor jurisdiction;

G. Water skiing, scuba diving except for maintenance and special occasions;

H. Storing personal items on the floats and finger floats. Oily rags, open paints and other combustible and explosive materials shall not be stored on docks at any time;

I. Interfering with, blocking or obstructing traffic along floats and finger floats, (Ord. 18-09-18-03 (part))

J. Using the harbor facility firefighting equipment for any purpose other than fighting fires;

K. Disregarding, defacing, removing or damaging any sign or notice posted or erected by the harbormaster or city public works department relating to the use of mooring areas or other facilities;

L. Sub-assigning or subleasing assigned mooring space;

M. Generating loud or boisterous noises tending to disturb the reasonable peace and privacy of others;

N. Obstructing or interfering with the harbormaster in the performance of his duties, or refusing to comply with a lawful order of the harbormaster;

O. Challenging or intending to provoke another to fight, or engaging in fighting;

P. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person;
Q. Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotics and other dangerous drugs;
R. Bringing dogs upon or within the harbor facility, unless on a leash. Animal owners WILL be responsible for proper cleanup and disposal of animal wastes;
S. Riding or operating bicycles, skateboards, roller skates, or other similar devices on gangways, floats or finger floats. This prohibition does not apply to wheeled carts or similar devices used for the transport of goods to and from vessels. (Ord. 98-20 § 3(part), 1998; Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)(Ord. 17-03-21-02)

18.30.150 ELECTRICAL SERVICE TO VESSELS-CONDUCTOR SPECIFICATIONS.

Electrical connections to any vessel are under the direction of the harbormaster and must comply with the following regulations:

A. Cords with current carrying capacity of less than fifteen amps shall not be used;
B. Flexible cords shall be used only in continuous lengths without splice or taps;
C. Cords shall not be smaller than required for the rated current of the connected equipment;
D. Attachment plugs, and connector bodies shall not be smaller than that required for the rated current of the attached cord;
E. Attachment plugs shall be of the weatherproof type;
F. Infrared heating lamps may be used with porcelain-type sockets only;
G. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electric current if overturned;
H. The following power cords are approved for use and listed below by type: SO, ST, STO, POW, K, S;
I. Any cord not listed must be inspected and approved by the harbormaster prior to being put in service;
J. Current-carrying capacity of flexible cords:

Size, AWG	Amps.	Size, AWG	Amps.
14	15	8	35
12	20	6	45
10	25	4	60

(Ord. 89-30 § 5(part), 1989)

18.30.160 REGULATION OF VEHICLES AND PARKING AREAS.

A. The harbormaster may establish such reasonable traffic and parking regulations as may be required for the safe and orderly operation and parking of all vehicles within the confines of the harbor facility. This includes the posting of all signs and all other regulations that may be required. Vehicles found in violation of these regulations will be subject to towing and placement in impound.

B. All towing and impound expenses will be incurred by the owner of the vehicle.

C. Persons using the harbor facility vehicle parking area will do so only in connection with the use of the other harbor facilities.

D. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule. (Ordinance 18-08-07-01 § (a) Part § (D); Ord. 89-30 § 5(part), 1989)

Chapter 18.40 - CONTROL OF NUISANCE AND DERELICT BOATS

18.40.010 DERELICT, NUISANCE, UNSEAWORTHY, WRECKED AND SUNKEN VESSELS

No person may bring into or keep within the small boat harbor facilities or property a vessel that is derelict or a nuisance, or in the opinion of the harbormaster, is so unseaworthy or in such a deteriorated condition that it may sink, become a hazard to navigation, or damage docks, floats, or other vessels, except as required in an emergency, but only for so long as required by the emergency.

A. If the harbormaster determines that the derelict condition of a vessel constitutes a fire or safety hazard to harbor facilities or other vessels, or a pollutant hazard to the waters and marine life of the harbor, and that damage from such fire, safety, or pollutant hazard will more likely than not occur within the notice period required under this subsection, the harbormaster may take reasonable steps to prevent damage from the fire, safety, or pollutant hazard without prior notice or hearing, including without limitation impounding the vessel by immobilizing the vessel or by hauling the vessel out of the water and storing it, with all expenses and risks of the haul-out and storage to be borne by the owner of the vessel. The City of Thorne Bay shall not be held liable for any damages resulting from the haul-out or storage of any impounded vessel. Promptly after impounding a vessel under this subsection, the harbormaster shall give notice of the impoundment in accordance with 18.40.020 subsection (a). (Ord. 10-07-06-02)

18.40.020 ABATEMENT OF NUISANCE-IMPOUNDMENT-REMOVAL AND SALE.

A. In the event any boat constitutes a nuisance or is a derelict, as defined, liable to sinking, sunk, or in a hazardous condition, notice thereof shall be given to the owner, master, or agent of the boat as shown on the registration statement filed with the harbormaster, stating that unless said boat is removed, repaired, or that other action is taken to remedy such nuisance, the boat will be subject to destruction or sale, in the discretion of the harbor commission, upon the expiration of a period of fourteen days from the receipt of such notice. (Ord. 12-05-01-01)

B. In the event any mooring fees are not paid within approximately thirty days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within thirty days after the service of the notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbor commission because the boat has been declared to be a nuisance.

C. Notices provided for in chapter 18 shall be given by the city clerk by a method which assures a signed receipt therefore (certified mail return receipt requested, or personal delivery with a signed receipt obtained for the city's records); notice shall be given to such owner, master or agent, as well as (for documented vessels) each recorded holder of a mortgage interest in the vessel. The notice shall be in writing, signed by the city clerk and dated, and shall inform the recipient of his right to a hearing before the harbor commission no later than fourteen days from receipt of the notice, as well as informing the notice recipient of the potential consequences (set forth in subsections A and B of this section) for failure to appear. (Ord. 90-28 § 4(part), 1990: Ord. 89-30 § 5(part), 1989)

18.40.030 PROCEDURE FOR DESTRUCTION, SALE OR OTHER DISPOSITION OF BOAT.

A. Any boat which is declared a nuisance may, after the expiration of the time stated in the notice delivered to the owner, master or agent, either be impounded in the waters of the Thorne Bay Boat Harbor or removed there from to a place of safe storage in the vicinity thereof and impounded at such location. A notice of impoundment signed by the harbormaster to be posted on or in said boat at a place where likely to be seen by anyone inspecting said boat. During the period of impoundment or storage by the harbormaster, the boat, its owner, master or agent shall be liable for a monthly storage charge and costs incurred by reason of the impounding or removal of the boat. An impoundment fee shall also be charged. Storage and impoundment fees shall be in accordance with pre-established amounts set by resolution of the city council.

B. After any boat is so impounded or removed, the city clerk shall again give written notice (by a method assuring return receipt) that the boat has been impounded, that the notice recipient has opportunity for a hearing before the harbor commission no later than fourteen days following receipt of notice, and that after the expiration of that period the boat may be destroyed, sold or disposed of as the harbor commission shall determine unless the fees have been paid in full. Such notice shall go to such owner, master or agent and (for documented vessels) to any holder of a recorded mortgage on the boat at such an address as is shown on the last registration statement for the boat.

C. Any boat so impounded or removed shall, after the expiration of the period stated in the notice delivered to the owner, master, or agent, be destroyed, sold or disposed of as the harbor commission shall determine unless sooner repaired so as to no longer be a nuisance or unless the fees have then been paid in full. In the event of a disposition by sale of the boat, a notice of sale shall be mailed to the owner, master, or agent of the boat and then posted in three public places for a period of ten days prior to the date of sale and shall be signed and posted by the city clerk. Said notice shall state the identification of the boat; that it is being sold after having been declared a nuisance under the provisions of this title; and that all of the rights, title, and interest of the owners and lien holders of said boat will be sold to the highest and best bidder for cash at public auction at such time and place as stated in the notice. The proceeds from the sale shall be applied first to the cost of

conducting the sale, impounding and removal of the boat, and the payment of all fees assessed and payable by said boat, its owner, master, and agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city. (Ord. 90-28 § 4(part), 1990; Ord. 89-30 § 5 (part), 1989)

18.40.040 IMPOUNDMENT-FINAL DISPOSITION OF SOLD AND UNSOLD VESSELS.

Upon the sale being made, the city shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer according to law. If, at the public sale, there are no bidders for the vessel, the city may destroy, sell at private sale, or otherwise dispose of said vessel, such disposition to be made without liability to the owner, master, agent or creditors of the vessel. (Ord. 89-30 § 5(part), 1989)

18.40.050 OTHER PROPERTY BECOMING A NUISANCE.

A. All engines, machinery, equipment, lines, hoses, skiffs, nets, gear, animals or other personal property left upon the dock, approach, floats or other facilities of the Thorne Bay Boat Harbor for a period of more than forty-eight hours, impeding daily harbor operations without being removed there from by the owner or person in possession thereof may be declared to be a nuisance by the harbormaster and impounded, removed, or sold in the discretion of the harbor commission in the manner provided for the removal, impoundment, sale, or other disposition of boats which are declared a nuisance.

B. Written notice and opportunity for a hearing before the harbor commission shall be provided to the property owner (if the identity of the property owner is known to, or can reasonably be ascertained by, the harbor com- mission) in the same manner as notice and opportunity for a hearing provided to boat owners under Sections 18.40.010 and 18.40.020. In cases where the owner has left no record of such property with the harbormaster, and harbor commission makes reasonable efforts to determine ownership but is unable to do so, then such property shall be held by the harbormaster for a period of fifteen days prior to its destruction or sale, during which period the harbormaster shall post prominent notices upon the personal property itself and upon a place designated by the harbormaster for the routine posting of notices at the harbor.

Such notice shall be in a form reasonably calculated to notify the property owner of the date by which the property will be destroyed or sold unless the owner redeems it and notify the owner of his right to a hearing before harbor commission by a date stated in the notice, such date to be no earlier than seven days after the initial posting of the notice. (Ord. 18-09-18-03 § 4(part), Ord. 90-28 § B(part), Prior 1990: Ord. 89-30 § 5(part), 1989)

CHAPTER 18.50 - ENFORCEMENT

18.50.010 ENFORCEMENT POWERS OF HARBORMASTER.

A. The city authorizes the harbormaster of the harbor facility to enforce this chapter by either written or verbal communication, including but not limited to issuing citations to person(s) violating the provisions of this chapter.

B. The harbor commission may interpret the reasonable intent of these provisions to promote the purpose and intent of this chapter.

The harbormaster may secure by lock and change any vessel, vehicle or equipment that is in violation of any provisions of Chapter 18 until such time as said violations are resolved to the harbormaster's satisfaction. The harbormaster may also order persons and/or vessels found in violation of any provision of chapter 18 to depart from the harbor facility. Failure of a person or vessel to depart from the harbor facility when the harbormaster orders is in violation of this chapter is guilty of an infraction and the vessel may be impounded.

C. Vessels impounded by the harbormaster may be removed by a private contractor, with charges to be assessed against the vessel and/or its owner, master or agent. (Ordinance 18-08-07-01 § a, c, part); Prior Ord. 90-28 § 4(part), 1991; Ord. 89-30 § 5(part), 1989)

18.50.020 VIOLATIONS & PENALTIES.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule.

(Ordinance 18-08-07-01; Prior Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)

18.60 CITY HARBOR FUND

18.60.010-CITY HARBOR FUND

The City of Thorne Bay will deposit 10% of harbor gross revenue annually into a separate checking account to be used for depreciation.

(Ordinance 18-08-07-01; Prior Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)

TBMC 18.20.050(B)	HARBOR-USE OF HARBOR FACILITIES WITHOUT PAYMENT OF RENTALS/FEES PROHIBITED	OPTION	$50.00	
TBMC 18.30.020(A)	HARBOR-CONDUCT IN HARBOR-A-FAILURE TO DISPLAY REGISTRATION PROHIBITED	OPTION	$50.00	
TBMC 18.30.020(B)	HARBOR-CONDUCT IN HARBOR-B-FAILURE TO SECURELY MOOR VESSEL PROHIBITED	OPTION	$50.00	
TBMC 18.30.020(E)	HARBOR-CONDUCT IN HARBOR-E-ILLEGALLY PARKED VEHICLES PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(A)	RULES FOR HARBOR USE-CARELESS/RECKLESS OPERATION OF VESSELS PROHIBITED	OPTION	$100.00	
TBMC 18.30.140(B)	RULES FOR HARBOR USE-PROHIBITED ACTS-MOORING OVERSIZED VESSELS	OPTION	$100.00	
TBMC 18.30.140(C)	RULES FOR HARBOR USE-PROHIBITED ACTS-USING BUMPERS THAT CAUSE DAMAGE TO DOCKS	OPTION	$200.00	
TBMC 18.30.140(D)	DUMPING UNAUTHORIZED WASTE INTO/ONTO WATERS/LAND/HARBOR FACILITIES PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(E)	DISCHARGE OF SEWAGE FROM VESSELS WITHIN THE HARBOR JURISDICTION IS PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(F)	RULES FOR HARBOR USE-UNATTENDED FISHNETS OR OTHER FISH-TAKING DEVISE PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(G)	RULES FOR HARBOR USE-UNAUTHORIZED WATER SKIING/SCUBA DIVING PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(H)	STORING OF PERSONAL ITEMS INCLUDING COMBUSTIBLE/EXPLOSIVE MATERIALS PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(I)	OBSTRUCTING TRAFFIC ALONG FLOATS PROHIBITED	OPTION	$50.00	
TBMC 18.30.140(J)	SE OF HARBOR FIREFIGHTING EQUIPMENT FOR OTHER PURPOSE PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(K)	DISREGARD, DAMAGE, TAMPER WITH HARBOR SIGNS OR NOTICES PROHIBITED	OPTION	$200.00	
TBMC 18.30.140(L)	SUB-ASSIGNING OR SUBLEASING ASSIGNED MOORING SPACE	OPTION	$100.00	
TBMC 18.30.140(M)	DISTURB THE REASONABLE PEACE AND PRIVACY OF OTHERS PROHIBITED IN HARBOR	OPTION	$50.00	
TBMC 18.30.140(N)	OBSTRUCTING OR INTERFERING WITH HARBORMASTER DUTIES	OPTION	$100.00	

TBMC 18.30.140(R)	PERMIT DOG ON HARBOR FACILITIES WITHOUT LEASH	OPTION	$50.00	
TBMC 18.30.140(S)	OPERATING BICYCLES, SKATEBOARD, ROLLER SKATES OR SIMILAR IN HARBOR PROHIBITED	OPTION	$50.00	

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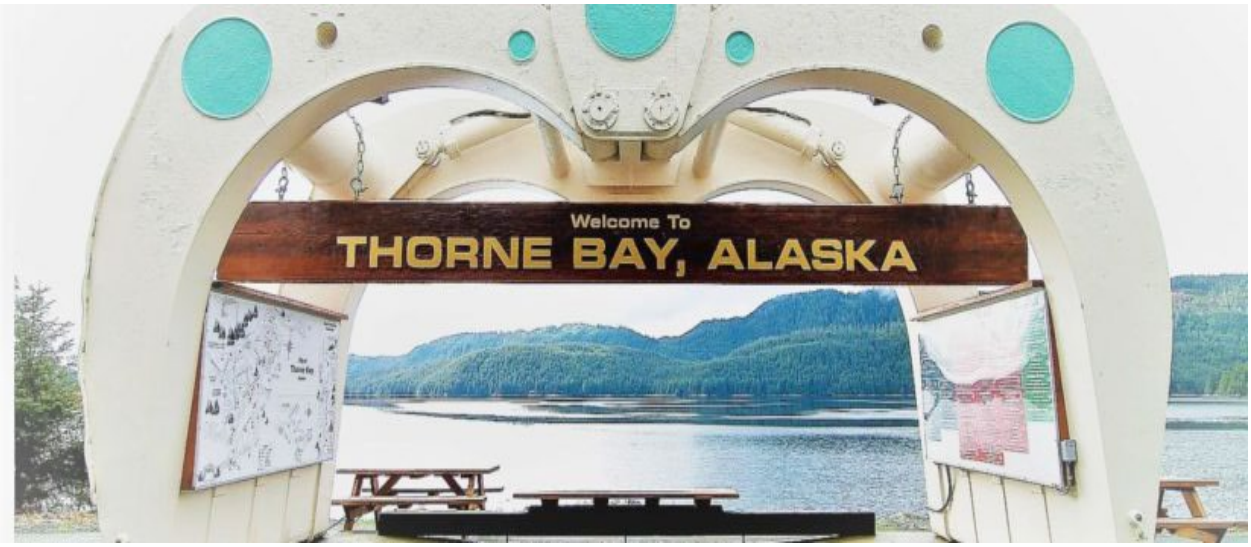

TITLE 19 – PUBLIC LIBRARY

THORNE BAY MUNICIPAL CODE

TITLE 19 - PUBLIC LIBRARY

CHAPTER 19.04 - ESTABLISHMENT

19.04.010 DESIGNATION AND ESTABLISHMENT OF PUBLIC LIBRARY.

The city public library shall be established as a separate department within the municipal code, funded by ordinance as part of the municipal budget. (Ord. 02-02-07-02 § 3(part), 2002)

19.04.020 USE AND CHECK OUT PROCEDURE.

The municipal library shall be made available to the public at large. All materials designated for public use, except for those designated as reference, shall be available to be signed out to residents of the city and neighboring communities for duration of six weeks. Extensions of six weeks shall be allowed, provided another person has not placed a request for said material, in which case the signed-out material must be returned at the original due date. It shall be the responsibility of the person signing out such materials to return them on time, not the librarian or staff to contact such person. No further materials shall be allowed to be signed out until all late materials are returned, or, in the case of lost or damaged materials, the cost of replacement is paid. The librarian or staff on duty has the right to limit what or the quantity of materials signed out if the quantity of material is excessive, or the items signed out would pose too great an infringement on the available resources of the library. (Ord. 02-02-07-02 § 3(part), 2002)

CHAPTER 19.08 PENALTIES

19.08.010 FINE SCHEDULE.

At the discretion of the city clerk a fine of fifty cents per item per week shall be incurred on all materials not returned on time. This shall not exceed the replacement cost of the materials. All fines collected shall be receipted in at City Hall and will be placed in the Library General Fund to offset expenses. (Ord. 02-02-07-02 § 3(part), 2002)

19.08.020 DISRUPTIVE AND INAPPROPRIATE BEHAVIOR.

No behavior that infringes on the rights or peaceful use of the facility by others shall be tolerated. The librarian or staff, paid or volunteer, shall at their sole discretion determine the appropriateness of behavior, and may exercise the removal of person or persons by legal means if that person continues or refuses to conform their behavior. All statutes and laws pertinent to the city and the State of Alaska shall be subject to enforcement. The chief executive officer of the city, may, at his or her discretion, bar those individuals who repeatedly violate these rules of use and conduct. (Ord. 02-02-07-02 § 3(part), 2002)

19.04.025 LIBRARY OPERATIONS & PROCEDURES.

A. Chain of command.
   There shall be a “chain of command”.
   The librarian is the highest level of authority within the library department, and as such, volunteers are required to process all requests or notices to the librarian, included but not limited to:
   - Purchase requests (requests for materials or supplies)
   - Damages (request for work order)
   - Un-scheduled library closures

B. Library schedule:
   It is the duty of the librarian to produce a monthly schedule of library operation hours and volunteers shifts.

C. Daily reconciliations:
   Library volunteers shall be held accountable for all funds received during their shift. Each volunteer is required to keep a journal that includes the following information:

• Weekday	• Date
• Volunteer name	• Patron name
• Non-resident deposit	• Copies
• Overdue fines	• Lost or damaged materials
• Donations	• Shift totals

At the end of their shift, the volunteer will seal the funds collected into an envelope, seal it, sign and date it. The envelop will then be deposited into a safety deposit box that will be delivered to city hall on Friday each week. (Ordinance 19-03-05-01; added Section 19.04.025 (a,b,c))

ORDINANCE LIST & DISPOSITION TABLE

Ordinance No.	Ordinance Description
82-02-02-19	Providing for the notice of elections and contents of said notices. Elections - (Repealed By 96-24)
83-01-19	Heat Lamps in Fire Boxes (Non-Code) (Special)
83-03-08-01	City Property Acquisition, Sales, Leasing and Disposition (Repealed By 85-06-13-02)
83-03-08-02	Platting (Repealed By 88-31)
83-03-26	Providing for a 2% Sales Tax to be deposited into the General Fund. (3/26/83) Sales Tax (Repealed By 85-08-22-01 (which also keeps the 2% rate, but expands on overall tax ordinance))
83-03-26	(3/31/83) Water, Sewer, Electric and Solid Waste Utilities (13.04, 13.08, 13.12)
83-03-31-01	Fire Department (Repealed By 89-27)
83-04-12	Water Hydrants (Providing for free and unobstructed access to water hydrants intended for firefighting purposes.) (Repealed By 91-09)
83-04-22	Selection and Disposition of Certain Lands (Providing for the selection and disposition of certain land being selected under the authority of Alaska Statute 29.18 and that have been classified as commercial property by the City and/or the Alaska Department of Natural Resources and certain other residential land.) (Repealed By 84-11-19-03)
83-05-18-01	Platting (Providing for the Assumption of Platting Authority within the boundaries of the City of Thorne Bay) (Repealed By 88-31)
83-05-18-02	Board of Adjustment (Providing for the authority and procedures of a Board of Adjustment) (2.40)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
83-05-18-03	Planning Commission (Repealed By 85-02-14-1)
83-05-18-04	Planning and Zoning Procedures (Providing for the assumption of the authority of building and land use administration through planning and zoning within the City.) (Repealed By 93-23)
83-06-14-1	Public Safety Department (Repealed By 89-32)
83-06-24	Parking (Providing for authorized and restricted Parking areas and conditions.) (Repealed By 84-03-22-01)
83-07-14	Traffic Regulations (10.16)
83-07-20	City Council Meetings; Repeals Prior Code Ch. 6 (Repealed By 86-06-24-01)
83-11-04-01	Setbacks (Non-Code) (Special)
83-11-04-02	Road Access for Fire, Maintenance and Snow Removal Equipment (10.08)
84-02-14-01	Providing for the Assumption and Exercise of Planning Powers as Is Authorized in Alaska Statute 29.43.040. Sections: .010 Planning Commission Established - Purpose .020 Commission Membership .030 Commission Officials .040 Vacancies .050 Meetings .060 Order of Business .070 Office and Staff .080 formal Acts by Resolution .090 Funds .100 Planning Functions .110 Additional Functions of the Planning Commission .120 Repealed.
84-2-16-01	Purchasing (Providing Authority of Purchase Goods and Services for the City and Further Providing for Procedures for Bids and Contracting.) (Repealed By 85-01-17-02)
84-03-22-01	Parking (Adding Sections: .01 Parking Not to Obstruct Traffic, .02 Parking In Alleys, .03 Parking for Certain Purposes Prohibited, .04 Stopping, Standing Or Parking Prohibited In Certain Places, .05 (Reserved), .06 (Reserved), .07 (Reserved) .08 (Reserved) .09 (Reserved), .10 (Reserved), .11 (Reserved), .12 Prohibition of Parking Which Hinders the Movement of Emergency, Street Maintenance and/or Snow Removal Vehicles, .13 Off-Street Parking Place - Owner Or Lessee Permitted to Remove Unauthorized Vehicles, .14 Authority to Make Parking Restrictions and Exceptions .15 Additional Restrictions In Time-Limited Parking Spaces, .16 Penalty for Violations.) (10.20)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
84-05-21-01	Zones Certain Property (Non-Code) (Special)
84-05-21-02	Setbacks (Provide for Set Back Space Between Newly Constructed Buildings or Parking of Mobile Homes, Storage Buildings or Commercial Buildings and Adjacent Property Lines or Dedicated Rights-Of-Ways) (Special)
84-08-09-02	Waives Contractor Bond (Non-Code) (Special)
84-11-19-01	Public Health Clinic (Repealed By 88-43)
84-11-19-03	Selection and Disposition of Certain Lands; Repeals Ord. 83-04-22 (Providing for the Selection and Disposition of Certain Land Being Selected Under the Authority of Alaska Statute 29.Ie and That Have Been Classified as Commercial Property By the City A Nd/Or the Alaska Department of Natural Resources and Certain Other Residential Land.) (Repealed By 88-41)
85-01-17-01	Health and Safety Council (Providing for the Establishment of Health and Safety Council) (Repealed By 90-14)
85-01-17-02	Purchasing; Repeals Ord. 84-2-16-01 (Providing Authority to Purchase Goods and Services for the City and Further Providing for Procedures for Bids and Contracting.) (3.12)
85-02-14-01	(2/14/85) Planning Commission; Repeals Ord. 83-05-18-03 (Providing for the Assumption and Exercise of Planning Powers as Authorized in Alaska Statute 29.35.260c. This Portion of the Code of Ordinance of the City of Thorne Bay, Alaska Is Hereby Amended On 8/21/86 to Come into Compliance with Title 29 of the Alaska Statutes.) (2.48)
85-03-28-01	Solid Waste Utility; Repeals Ch. 51.16 of Ord. 83-03-06 (Establishing the Authority to Own, Operate, Maintain, and Charge for Solid Waste Utility and Set Rates for Such Service) (13.16)
85-06-13-02	City Property Acquisition, Sales, Leasing and Disposition; Repeals Ord. 83-03-08-01 (Providing for Real Property Acquisition, Real Property Sales and Leasing and Disposition of City-Owned Personal Property.) (2.56)
85-08-22-01	Sales Tax; Repeals Ord. 83-03-26 (Providing for A Sales Tax of Two Percent (2%)). (3.16)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
85-11-22-02	Repeals § 10 of Ord. 84-11-19-03 (Section 10, Self-Repealing, dated 11-19-84, Is Hereby Repealed. 2. If Any Provision of This Ordinance, Or the Application Thereof to Any Person or Circumstance Is· Held Invalid, the Remainder of This Ordinance and the Application to Other Persons or Circumstances Shall Not Be Affected Thereby) (Repealed By 88-41)
86-04-10-01	Setbacks (Non-Code) (Special)
86-06-24-01	City Council Meetings; Repeals Ord. 83-07-20 (Providing for City Council Meetings, Their Location, Date and Times.) (2.04)
86-07-10-01	Boat Ramp Use Procedures (Providing for the Establishment of Procedures, Regulations, and Fees to Apply to the General Public in Its Use of the Thorne Bay Boat Ramp and Its Immediately Adjoining Land Area.) (12.08)
85-02-14-01	(8/21/86) Amends §§ .020 and .110 of Ord. 85-02-14-01, Passed 2/14/85, Planning Commission (2.48)
8201-2[A]	(10/2/86) Adds Prior Code Ch. 37, Personnel Policies (2.24)
8201-2[B]	(10/9/86) Amends §§ 5 and 6 of Prior Code Ch. 4, Officials' Salaries (Adopting Salary of $50 per meeting) (2.04)
8201-2	(10/9/86) Amends § 3 of Prior Code Ch. 5, Mayor's Salaries (Adopting Salary of $50 per meeting) (2.08)
87-01	Subdivisions - Providing for the Subdivision of land within the City of Thorne Bay. Adding Sections: .01-General Provisions; .02-Requirements for Platting; .03-Waivers; .04-Short Plats; .05-Preliminary Plats; .06-Final Plat Approvals; .07-Subdivision Design Standards & Improvements; .08-Monumentation; .09-Vacations; .10-Dedications outside the subdivision Process; .11-Variances; .12-Appeals, .13-Penalties; .14-Definitions
87-02	Temporary Administrative Assistance (Non-Code) (Special)
87-04	Animals (Non-Code) (Special)
87-05	Amends § .02 of Prior Code Ch. 37, Personnel Policy (Removes posting requirements for employees other than permanent employees are sought) (2.24)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
87-06	Amends § 6 of Prior Code Ch. 4, Officials' Salaries (to read as follows: The Council may fix by ordinance the salaries of elected officials. An elected officer may not receive any compensation as a city employee unless otherwise provided for by ordinance. Per Diem payments or reimbursements for expenses are not compensation under this section) (2.04)
87-07	Animals (Providing for the Licensing, Control, and Care of Animals.) (6.04)
87-08	Approves Employment of City Councilmembers upon Mayor authorization (2.04)
87-10	Establishes City-Owned Recreational Vehicle Park (Establishing and Governing a City-Owned Recreational Vehicle (R.V.) Park Located on Shoreline Drive In the former forest Service Compound.) (12.04)
87-11	Amends § 3 of Prior Code Ch. 28, Fiscal Policies (Amending Ordinance No. 8201-1, Chapter 28 Fiscal Policies. Of* January* [July] and End on the Last Day Of* December* [June] In the Calendar Year) (3.04)
87-12	Fireworks (Defining Fireworks - Public Use and Public Displays) (8.04)
87-13	Amends § 5 of Prior Code Ch. 31, Budget Procedure (Amending Ordinance No. 8201-1, Chapter 31 Budget Procedures. the Budget Shall Be Adopted by Favorable Votes of At Least a Majority of All the Members of the Council Preferably By* November* [May] First and Not Later Than* November* [May] Thirty-First.) (3.08)
87-14	Amends §§ 1 and 2 of Ord. 85-08-22-01, Sales Tax (Amending Ordinance No. 85-08-22-01, An Ordinance Providing for A Sales Tax of Two Percent (2%)-Adding Sales Which Are Exempt from Taxation by Operation of Any State Legislation, State Constitutional Provision, Federal Legislation Or Federal Constitutional Provision.] All Other Sections to Remain as Written) (3.16)
87-16	Amends § 2 of Prior Code Ch. 16, City Elections (Amending the City Code of Ordinances 8201-1, Chapter 16, City Elections - In General, Section 2, Voter Qualification) (Repealed By 96-24)
87-17	Amends § 16 of Ord. 85-01-17-02, Purchasing (PROVIDING AUTHORITY TO PURCHASE GOODS AND SERVICES FOR THE CITY AND FURTHER PROVIDING FOR PROCEDURES FOR BIDS AND CONTRACTING) (Repealed By 89-05)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
88-01	Emergency Service to City (Non-Code) (Special)
88-03	Amends §§ 3 and 5 and Repeals § 6 of Ord. 86-07-10-01, Boat Ramp Use Procedures (Amending Ordinance 86-07-10-01 (Providing for the Establishment of Procedures, Regulations and Fees to Apply to the General Public in Its Use of the Thorne Bay Boat Ramp and Its Immediate Adjoining Land Area.) (12.08)
88-04	Authorizes Participation in Alaska Municipal League Joint Insurance Arrangement (Not Codified)
88-05	Emergency Street Clearance (Non-Code) (Special)
88-06	Animal Control; Repeals § 11 of Ord. 87-07 (An Ordinance Modifying the Penalty Provisions of the Animal Control Ordinance No. 87-07, An Ordinance of the City Council of Thorne Bay, Alaska Providing for the Licensing, Control and Care of Animals, to Allow Payment of Fines by Mail in Certain Instances.) (6.04)
88-07	Traffic Laws (An Ordinance Adopting by Reference Specific State Traffic Municipal Law. Laws) (10.04, 10.08, 10.12)
88-08	Alcoholic Beverages (An Ordinance Providing for Alcoholic Beverages, and Adopting Certain Provisions of State Law (Alaska Statutes, Title __ for Enforcement as Municipal Law) (9.08)
88-11	Amends § 3 of Ord. 83-03-26-02, Sales Tax (An Ordinance Amending Portions of the Thorne Bay Sales Tax Ordinance Regarding the Duty to Collect and Make a Return.) (3.16)
88-12	Protection of Survey Monuments (Providing for the Protection of Survey and Assessing Penalties for Disturbance, Destruction of Such Remonumentation.) (9.12)
88-13	Amends § 1.210 of Ord. 88-08, Alcoholic Beverages (An Ordinance Amending the Penalty Provision Contained in Thorne Bay's Alcohol Control Ordinance) (9.08)
88-14	Amends § 11(D) of Ord. 87-07, Animal Control (An Ordinance Amending the Penalty Provision Contained in Thorne Bay's Animal Control Ordinance) (6.04)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
88-22	Adds Ch. 1.04; Repeals Prior Code Ch. 1, General Provisions (Ordinance Revisions Chapter 1 of the Thorne Bay Municipal Ordinance 8201 (Adopting A City Code of Ordinances) (1.04)
88-23	Adds Ch. 1.20, General Penalty; Repeals Prior Code Ch. 1, § 6 (Revising the General Penalty Provisions) (1.16)
88-24	Ordinance Procedure; Repeals Prior Code Ch. 3, § 3 (An Ordinance Modifying the Ordinance Adoption Procedure, to Conform Exactly with as 29.25.020) (2.12)
88-25	Amends Ord. 8201-2, Officers and Employees (Ordinance Updating the Citations to Alaska Statutes, Contained in Thorne Bay's Personnel Policy Ordinance.) (2.24)
88-26	Repeals and replaces § 5 of Prior Code Ch. 16, Elections (Revising Provisions Governing Who Pays for An Election Vote Recount, So S to Conform to State Statutes) (Repealed By 96-24)
88-27	Repeals and replaces § 1 of Ch. 20, Election Booths (Revisions Chapter 20, Section 1 (Election Booths), of Ordinance 8201 to Clarify Its Meaning) (Repealed By 96-24)
88-28	Repeals Prior Code Ch. 36 §§ 1, 3, 5 and 6 (An Ordinance Correcting the Omission of a Repealing Action in Ordinance 8201-2.) (Repealed)
88-29	Repeals Prior Code Ch. 44, 46, 47 and 48 (An Ordinance Required Because of the Omission of a Repealing Provision in Ordinance 85-06-13-02 (Adopted 6-13-85)) (Repealed)
88-30	Repeals Prior Code Ch. 32 (An Ordinance Required Because of the Omission of a Repealing Provision in Ordinance 85-01-17-02 (Adopted 1-17-85)) (Repealed)
88-31	Repeals Ord. 83-03-08-02 and 83-05-18-01 (Corrects Omission of a Repealing Provision in Ordinance 87-01 (Adopted 2-19-87) and the Omission of the Ordinance No. in the Repealing Provisions of Ordinance 83-05-18-01 (Adopted May 18, 1983) (Repealed)
88-32	Amends Ord. 83-05-18-02, Board of Adjustment (Updating and Correcting Statutory Citation in Ordinance 83-05-18-01) (2.40)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
88-33	Amends §§ .020, .110(A) and (D) of Ord. 85-02-14-01, Planning Commission (Correcting Citations to Alaska Statutes, Contained in Thorne Bay Ordinance 85-02-14-01) (2.48)
88-34	Eminent Domain; Repeals § 1 of Prior Code Ch. 45 (Amending Ordinance 8201chapter 45, Section 1, Eminent Domain, adopted 9-20-82, to Correct Statutory Omission) (2.56)
88-35	Amends Ord. 87-01, Subdivisions (An Ordinance Correcting a Statutory Citation in Ordinance 87-01, Adopted 2-19-87.) (16.32)
88-36	Amends Ord. 87-10, Recreational Vehicle Park (An Ordinance Correcting a Statutory Citation in Ordinance 87-10, Adopted 6-4-87.) (12.04)
88-37	Amends Prior Code § 51.12.140, Electrical Service (Providing for Notice of Opportunity for Informal Pre-termination Hearing, Prior to Discontinuance of Electrical Service.) (13.04)
88-38	Amends § 51.04.400, Water Service (An Ordinance Providing for Notice of Opportunity for Informal Pre-termination Hearing, Prior to Discontinuance of Sewer Service.) (13.08)
88-39	Amends § 51.08.210(D), Water Service (Providing for Notice of Opportunity for Informal Pre-termination Hearing, Prior to Discontinuance of Sewer Service.) (13.12)
88-40	Amends § 51.16.170, Solid Waste Utility (Providing for Notice of Opportunity for Informal Pre-termination Hearing, Prior to Discontinuance of Solid Waste Collection.) (13.16)
88-41	Repeals Ord. 84-11-19-03 and 85-11-22-02 (Repealing Ordinance 84-11-19-03 and Ordinance 85-11-22-02 (Thus Deleting Thorne Bay Ordinance Provisions Which Governed Land Conveyances Under the Preferential System Established Pursuant to Chapter 47 Sla 1982, Otherwise Known as Hb 811) (Repealed)
88-42	Amends Prior Code Ch. 30 §§ 1(B), 3 and 5, Budget (Amending the City Code of Ordinances 8201-1, Chapter 30, Budget form and Scope, Section 1, Paragraph B, Scope of Budget; Section 3, Anticipated Revenues; and Section 5, Proposed Expenditures Compared with Other Years.) (3.08)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
88-43	Health Clinic; Repeals Ord. 84-11-19-01 (Providing for the Establishment of a Public Health Clinic and Repealing Ordinance No. 84-11-19-01 (Adopted November 19, 1984). (8.12)
88-44	Fine Schedules (Enacting A Graduated Fine Schedule for Penalties Regarding Certain Violations of the City of Thorne Bay Alcoholic Beverage Control Ordinance, Animal Control Ordinance and Survey Monumentation Ordinance) (3.24)
88-45	Amends Prior Code Ch. 51 § 12.140, Discontinuance of Electrical Service (Adds "Section .140 Discontinuance of Service. I. In Cases of Extreme Hardship, Chief Executive Officer, Or His/her Designee, Shall Have the Discretion of Maintaining or Renewing Service to A Delinquent Account Upon Receipt of a Satisfactory Installment Plan for the Payment of the Overdue Amount." (Repealed By 88-48)
88-46	Appropriation (Appropriating to the City of Thorne Bay the Sum of $11,400 to Fund the Fish Cleaning Station Construction Project. Such Funds Have Been Made Available from the State of Alaska, Department of Fish and Game.) (Non-Code) (Special)
88-47	Amends Ord. 83-03-26-02 § 1, Sales Tax Exemptions (Amending Portions of the Thorne Bay Sales Tax Ordinance Regarding Exemptions.) (3.16)
88-48	Repeals and Replaces Prior Code Ch. 51 §§ 4, 8, 12 and 16, Water, Sewer, Electric and Solid Waste Utilities (Repealing in Their Entirety Ordinances No. 83-03-26 & 85-03-28-01 (Ordinances Establishing the Authority to Own, Operate, Maintain, and Charge for Water, Sewer, Electricity and Solid Waste Utilities and Set Tariffed Rates for Such Services). (13.04, 13.08, 13.12, 13.16)
88-50	Amends Ord. 83-03-26-02 § 1, Rate of Sales Tax (Increased from 2% to 3%) (Amending Portions of the Thorne Bay Sales Tax Ordinance Regarding Levy of Tax - Rate) (3.16)
88-55	Compensation for Contractual Services by Councilmembers (Providing for the Approval of Compensation for A City Councilmen for Contractual Services Provided to the City of Thorne Bay, In Addition to the Honorarium Provided for Service as A Council Member.) (2.04)
89-02	Setbacks)(Provide for Set Back Space Between Newly Constructed Buildings, Building Additions or Other Structure (Excluding Fences), Or Any Vehicle, Trailer, Mobile Home Or Other Structure Intended for Use As Housing, Storage Or Commerce and Adjacent Property Lines Or Dedicated Streets, Alleys, Thoroughfares, Easements Or Rights-Of-Way.(Repealed By 93-257)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
89-03	Amends Prior Code Ch. 28 § 4, Designated Funds (Amending the City Code of Ordinances 8201-01, Chapter 28, Fiscal Policies, Section 4, Funds Designated.) (3.04)
89-05	Repeals Ord. 87-17 and 84-2-16-01 (Repealing in Its Entirety, Ordinance 87-17 (An Ordinance Amending Ordinance 84-2-16-01, Providing Authority to Purchase Goods and Services for the City and Further Providing for Procedures for Bids and Contracting), Repealing Ordinance 84-2-16-01 and Confirming Ordinance 85-01-17-02.) (Repealed)
89-07	Amends Ord. 8201-2 § 3, Holidays (Amending Ordinance 8201-2, Chapter 37, Personnel Policy. Holidays) (2.24)
89-08	Code Adoption (Adopting the "Thorne Bay Municipal Code," As Compiled, Edited and Published by Book Publishing Company, Seattle, Washington and As Further Amended by Replacing the Text in That Section Labeled Statutory References with the October 1988, Alaska Statutes References.) (1.01)
89-10	Adopts Ch. 17.06, Comprehensive Land Use Plan (Adopting the City of Thorne Bay Comprehensive Plan and Accompanying Comprehensive Plan Map, As the Comprehensive Land Use Plan for the City of Thorne Bay.) (17.06)
89-11	Amends § 2.56.160, Public Sale of Real Property of the City (Amending the Provisions of Title 2, Chapter 2.56, Section 2.56.160 of the Thorne Bay City Code.) (2.56)
89-14	Amends § 12.04.030; Repeals § 12.04.110(E), City RV Park (Amending the Provisions of Title 12, Chapter 12.04, Section 12.04.030 (Occupancy Duration) and Deleting Subsection 12.04. Ll0(E) (Off-Season Rental) of the Thorne Bay City Code (City R.V. Park). (12.04)
89-15	Adds Subsection U to and Amends Subsection J of § 3.16.050, Sales Tax (Adding Personal Property, Non-Profit Org. Services as Tax Exemptions) (3.16)
89-19	Adds Ch. 9.16, Protection of Water Lake Watershed (Sections 9.16.010 Through 9.16.120) (9.16)
89-21	Twenty-Year Lease Authorization (Non-Code) (Non-Code) (Special)
89-22	Adds Newly Adopted Chapter 9.20, Litter Control (Sections 9.20 Through 9.20.220 In Its Entirety) (9.20)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
89-23	Repeals and replaces §§ 51.04.010, 51.04.040, 51.04.210, 51.08.010, 51.08.060 and 51.08.220 of Ord. 88-48, Water and Sewer Systems. (Amending Chapter 51.04 (Water), Sections 51.04.010 (Definitions), 51.04.040 City Property/Customer Property and 51.04.210 (Service Connection Charge) and Chapter 51.08 (Sewer), Sections 51.08.010 (Definitions), 51.08.060 (City Property/Customer Property) and 51.08.220 (Service Connection Charge) of Ordinance 88-48 (An Ordinance Repealing and Replacing In Their Entirety Ordinances No. 83-03-26 & 85-03-28-01, Ordinances Establishing the Authority to Own, Operate, Maintain, and Charge for Water, Sewer, Electricity and Solid Waste Utilities and Set Tariffed Rates for Such Services) (13.04, 13.08)
89-24	Amends § 2.04.170(B) and Ch. 2.08; Repeals and Replaces §§ 2.08.020 and 2.08.030, Mayor and City Council. (Amending Title 2 (Administration and Personnel), Chapter 2.04 (City Council), By Amending Section 2. 04 .170 (Meetings--Mayor the Presiding Officer) and Chapter 2.08 (Mayor), By Amending Section 2.08.010 (Powers--Duties), By Adopting a New Section 2.08.020 (Vice Mayor), By Amending Current Section 2.08.020 (Mayor Pro Tempore) and By Renumbering Current Sections 2.08.020 and 2.08.030 to Allow for the Addition of the New Section.) (2.04, 2.08)
89-25	Adds Subsection 22 to § 3.16.050, Sales Tax (Exempting Cable Tv from Sales Tax Requirements) (3.16)
89-26	Repeals and replaces § 10.04.030, Traffic and Vehicles (Amends 10.04.030 In Its Entirety and Adopts State Traffic Laws AAC Title 13-Provisions, Adopted by Reference) (10.04)
89-27	Repeals and Replaces Ch. 2.32, Fire Department. (Amending the Thorne Bay City Code, Title 2, Chapter 2.32, Fire Department, By Repealing and Replacing in Their Entirety Sections 2.32.010 (Established); 2.32.020 (Volunteer Fire Department); 2.32.030 (Fire Chief); 2.32.040 (Rules and Regulations); 2.32.050 (Training-Records); and 2.32.060 (Equipment)) (2.32)
89-30	Adds Title 18, City Boat Harbor (Establishing Boat Harbor Regulations) (18.10, 18.20, 18.30, 18.40, 18.50)
89-32	Repeals and Replaces Ch. 2.36, Public Safety Department (Repealed By 91-17) (Amending the Thorne Bay City Code, Title 2, Administration and Personnel, By Repealing in Its Entirety Chapter 2.36, Public Safety Department, and Adopting Chapter 2.36, Law Enforcement Department.

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
89-33	Repeals and replaces § 3.16.080, Sales tax (Amending Title 3 (Revenue and Finance). Chapter 3.16 (Sales Tax), By Amending Section 3.16.080 (Return forms)). (3.16)
90-02	Adds Ch. 2.38, Emergency Medical Services Department (AMENDING THE THORNE BAY CITY CODE, TITLE 2, ADMINISTRATION AND PERSONNEL, BY ADOPTING CHAPTER 2.38, EMERGENCY MEDICAL SERVICES DEPARTMENT.) (2.38)
90-04	Authorizes Chief Executive Officer to Enter into Lease (Non-Code) (Special)
90-06	Adds § 2.24.110, Officers and Employees (Adopting Indemnification/Hold Harmless) (2.24)
90-07	Adds § 2.04.065, City Council (adding 2.04.065-Indemnification) (2.04)
90-08	Repeals and replaces § 2.04.080, City Council (2.04.080 Conflicts of interest) (2.04)
90-11	Additional Compensation for Individual Councilmembers (Non-Code) (Special)
90-14	Repeals and Replaces Ch. 2.44, Health and Safety Council (Upon adoption, this ordinance shall repeal and replace in their entirety Sections 2.44.010, 2.44.020, 2.44.030, 2.44.040, 2.44.050, 2.44.060, 2.44.070, 2.44.080, 2.44.090, 2.44.100 of Chapter 2.44 of the City Code.) (Repealed By 91-03)
90-15	Adds New section Sewer System Specifications for service hookups § 3.18.145, Sewer (13.08)
90-18	Modifying the Provisions of The Thorne Bay Municipal Code, Title 13, Chapter 13.16 (Solid Waste), By Amending Sections 13 .16. 070 (Residential Service), 13.16.080 (Commercial Service), 13.16.150 (Solid Waste Rate Schedule) And 13.16.180 (Access to Landfill) And Adding Sections 13.16.172 (Aluminum Can Segregation), 13.16.182 (Prohibited Substances), 13.16.184 (Use of City Dumpsters) And 13.16.186 (Unauthorized Use of Trash Receptacles and Dumpsters).
90-19	Adds § 2.48.055; Amends § 2.48.040; Repeals and Replaces §§ 2.48.050 and 2.48.100, Planning Commission; Repeals § 2.48.110 (Amending The Thorne Bay City Code, Title 2, Administration And Personnel, Chapter 2.48, Planning Commission, By Adding Paragraph 6 To Section 2.48.040 (Vacancies) and Section 2.48.055 (Voting--Quorum), Repealing and Replacing in Their Entirety Sections 2.48.050 (Meetings) And 2.48.100 (Planning Functions--General) and Deleting Section 2.48.110 (Planning Functions--Additional) (2.48)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
90-22	Repeals and replaces § 15.04.010, Building Setbacks (Upon adoption, this ordinance shall repeal and replace in its entirety Section 15. 04. 010 of Chapter 15.04 of the City Code. The following annexed Sections are hereby incorporated into the Thorne Bay City Code: 15.04.010 Setback requirements. B. Trailers. mobile homes. and motor homes, including any wannigans, sheds and other add-on extensions which may be attached or unattached to the unit, which are intended for use as housing or any other purpose, and are located on a single lot or in a designated trailer park area, shall not be permitted within ten feet of any adjacent housing unit, or any adjacent housing unit's add-on extensions.) (Repealed By 93-25)
90-23	Additional Compensation for Councilmembers (Non-Code) (Special)
90-24	Adds § 2.04.151; Repeals and Replaces §§ 2.04.130, 2.04.150 and 2.04.180, City Council (Amending The Thorne Bay City Code, Title 2, Administration And Personnel, Chapter 2.04, City Council, by adding new Sections 2.04.130, Meetings--Regular; 2.04.151, Agendas--Posting; and 2.04.180, Meetings--Order Of Business, by Repealing And Replacing In Their Entirety Sections 2.04.130, Meetings--Regular; 2.04.150, Meetings--Notice, and 2.04.180, Meetings--Order of Business.) (2.04)
90-28	Adds § 18.10.050, Repeals and Replaces § 18.10.040; Amends §§ 18.20.070, 18.40.010(A), (B) and (C), 18.40.020(B) and (C), 18.40.040(A) and (B) and 18.50.010(B), Harbor (Amending The TBCC, Title 18, City Boat Harbor, By Repealing Section 18.10.040, Harbor Committee--Harbormaster, and Adding New Sections 18.10.040,Harbor Commission; and 18.10.050, Harbormaster; and By Amending General Provisions, Sections; Sections 18.20.070; 18.40.0l0-A,B,C; 18.40.020B,C; 18.40.040A,B; And 18.50.0l0b.) (18.10, 18.20, 18.40, 18.50)
90-29	Authorization for Lease Agreement (Non-Code) (Special)
91-03	Repeals Ch. 2.44 Health & Safety Council in its Entirety. (Repealed)
91-06	Adds Chapter 12.01, Street Names and Addresses to Title 12, Streets, Sidewalks and Public Places. (12.01)
91-07	Building and Zoning Restrictions (Non-Code) (Special)
91-09	Repeals Chapter 8.08-Water Hydrants from Title 8-Health & Safety. (Repealed)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
91-10	Adds Ch. 9.22, Water Hydrants (Amending the Thorne Bay City Code, Title 9, Public Peace, Morals and Welfare, By Adopting Chapter 9.22, Water Hydrants.) (9.22)
91-11	Dedication of Block 4, Lot 4, for Public Safety Building (Non-Code) (Special)
91-15	Authorization to Seek Voter Approval on Bond Issue (Non-Code) (Special)
91-16	Adds Ch. 2.44, Health and Safety Council (Amending the Thorne Bay City Code, Title 2, Administration and Personnel, Chapter 2.44, Health and Safety Council, By Adopting in Their Entirety Sections, 2.44.010 (Established--Purpose); 2.44.020 (Membership); 2.44.030 (HASC Officers); 2.44.040 (Vacancies); 2.44.050 (Meetings); 2.44.060 (Order of Business); 2.44.070 (Voting--Quorum); 2.44.080 (Office and Staff); 2.44.090 (Formal Acts By Resolution); 2.44.100 (Funds); And 2.44.110 (Health And Safety Functions)) (2.44)
91-17	Repeals and Replaces Ch. 2.36, Law Enforcement Department (Amending the Thorne Bay City Code, Title 2, Administration and Personnel, By Repealing Chapter 2.36, Law Enforcement Department, In Its Entirety and By Adopting Chapter 2. 3 6, Law Enforcement Department, Sections 2.36.010, Department Established; 2.36,020, Village Public Safety Officer; And Section 2.36.030, Department Chief.) (2.36)
91-18	Amends §§ 2.32.010-2.32.060, Fire Department (Placing the Fire Chief under direction and supervision of the Mayor and Council) (2.32)
91-19	Amends §§ 2.38.010-2.38.050, Emergency Medical Services (Placing the EMS Captain under the direction and supervisions of the Mayor and City Council.) (2.38)
92-01	Adds Ch. 1.14, Extraterritorial Jurisdiction (Amending the Thorne Bay City Code, Title 2, Administration and Personnel, By Amending Chapter 2.38, Emergency Medical Services Department, Sections 2.38.010; 2.38.020; 2.38.030; 2.38.040; And 2.38.050) (1.14)
92-08	Repeals and replaces § 2.04.180, Order of Business at Council Meetings (Title 2, Administration and Personnel, Chapter 2.04, City Council, By Repealing and Replacing in Its Entirety Section 2.04.180, Meetings--Order of Business. 2.04.180 Meetings--Order of Business. The Order of Business for Regular Meetings of The City Shall Be as Prescribed by The City Clerk and Approved by The City Council.) (2.04)
92-14	Adopts Thorne Bay Coastal Management Program (Non-Code) (Special)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
92-17	Adds § 18.20.090; Amends § 18.10.020 By Adding Subsection C and Re-Lettering Subsections C Through L to Be D Through M, Commuter Vessels (Amending the Thorne Bay Municipal Code, Title 18, City Boat Harbor, By Adding A New Definition For Commuter Vessels To Section 18.10.020 And By Adding A New Section 18.20.090, Commuter Vessel Moorage.) (18.10, 18.20)
92-18	Amends Chapter 2.48, Planning Commission, Sections 2. 48. 010;
	2.48.020; 2.48.030; 2.48.040; 2.48.050; 2.48.055; 2.48.060;
	2.48.070; 2.48.080; 2.48.090; AND 2.48. 100. (2.48)
93-01	Amends §§ 2.16.020-City Clerk Duties; and 2.16.030-Treasurer Additional Duties. (2.16)
93-02	Amends Title 18 City Boat Harbor, Section 18.10.040-Harbor Commission, adding "In the event that a harbor commission is not appointed, the city council will perform the duties of the harbor commission". (18.10)
93-09	Adds Section § 3.16.075-Sales Tax Number Required to Title 3 - Revenue & Finances; Chapter 3.16-Sales Tax (3.16)
93-12	Adds Ch. 6.05, Dangerous Animals; Amends §§ 6.04.010-6.04.070, Animals (Amending the Thorne Bay City Code, Title 6, Animals, by Amending Chapter 6.04, Animals Generally, Sections 6.04.010, Definitions; 6.04.020, Licensing; 6.04.030, License--Issuance--Revocation; 6.04.040, Animal Control Officer; 6.04.050, Restraint; 6.04.060, Impoundment; 6.04.070, Animal Care; And Adopting Chapter 6 .05, Dangerous Animals.) (6.04, 6.05)
93-23	Adds Ch. 17.08, Coastal Management Program; Repeals and Replaces Ch. 17.04, Planning and Zoning (Amending the Thorne Bay City Code, Title 17, Zoning, By Deleting Chapter 17.04, Planning and Zoning in Its Entirety And Adopting Chapter 17.04, Planning And Zoning, Section 17.04.010 Through Section 17.04.060 And Chapter 17.08, Coastal Management Program, Section 17.08.010, Adoption—Incorporation By Reference.) (17.04, 17.08)
93-24	Authorizes Special Election for Sale of Real Property (Non-Code) (Special)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
93-25	Repeals and Replaces Ch. 15.04, (Amending Title 15, Buildings and Construction, By Deleting Chapter 15. 04, Setbacks, In Its Entirety and Adopting Chapter 15.04, Setbacks, Section 15.04.010, Lots—Interior Setbacks.) Setbacks (15.04)
93-26	Amends § 3.12.070, Purchasing (An Ordinance of The City of Thorne Bay City Code, Amending Title 3, Purchasing, Section 3.12.070, Prior Council Approval—Required When.) (3.12)
93-27	Adds § 3.20.030 and Amends § 3.20.010, City Checks (Establishing authorized signers of Administrator, Treasurer, Mayor and Vice Mayor) (3.20)
94-03	Adds Ch. 9.02, Curfew for Minors (Adoption of Chapter and Section. The following annexed chapter and section is hereby adopted into the Thorne Bay City Code: 9.02 Curfew for Minors, 9.02.010 – Definitions, 9.02.020 - Control of Minors, 9.02.030 - Curfew Hours, 9.02.040 – Exceptions, 9.02.050 - Violations--Penalties) (9.02)
94-05	Amends § 17.04.023, Zoning (Adding Subsection (b)(6) to 17.04.023 Deer Creek residential-B. Conditional Uses. 6. Marine sales and repair services.) (17.04)
94-07	Adds §§ 13.16.174 and 13.16.176; Repeals and Replaces §§ 13.16.172, 13.16.182 and 13.16.186, Solid Waste (Upon adoption, this ordinance shall repeal sections 13.16.172, 13.16.182, and 13.16.186 in their entirety. The following annexed Sections are hereby adopted and incorporated into the Thorne Bay Municipal Code: 13.16.172-Aluminum segregation, 13.16.174-Ash disposal, 13.16.176-Special waste, 13.16.182-Prohibited substances, 13.16.186-Unauthorized use of collection containers, trash receptacles, and dumpsters.) (13.16)
94-11	Amends §§ 2.24.020, 2.24.030, 2.24.050, 2.24.060 and 2.24.090, Officers and Employees (Upon adoption, this ordinance shall repeal Sections 2.24.020(B), 2.24.020(D), 2.24.030(H) (to be adopted as amended as Section 2.24.030 (I)), 2.24.050 (C), 2.24.060(A), 2.24.060(I), 2.24.060 (J), 2.24.060 (L), 2.24.090 (A) (6), and 2.24.090(C) (2) in their entirety.) ADOPTION OF SECTIONS: (Adoption of Amended Sections. Section 2.24.030, subsections (C) through (L) are hereby re-lettered D through M respectively. The following annexed Sections are hereby adopted and incorporated into the Thorne Bay Municipal Code: 2.24.020(B)-Discrimination, 2.24.020(D)-Application Forms, 2.24.030(C)-Project Employees, 2.24.030(I)-Holidays, 2.24.050(C)-Demotion & Dismissal, 2.24.060(A)-Permanent Full-time Employees, 2.24.060(1)-Accumulation Limit, 2.24.060(J)-Termination, 2.24.060(L)-Probationary Period, 2.24.090(A) (6)-Objective, 2.24.090(C) (2)-Overtime, 2.24.090(D)-Pay Increases) (2.24)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
94-15	Authorizes Question of Exemption from Alaska Statute 39.50 (Non-Code) (Special)
94-17	Directs Sale of Municipal Property and Placement of Question on Ballot to Obtain Voter Ratification to Sell City-Owned Timber Resources (Non-Code) (Special)
95-03	Repeals and Replaces Chapter 13.08-Sewer; Section § 13.08.340, Grease, Oil and Sand Interceptors-When required) (13.08)
95-10	Amends §§ 13.04.500, 13.08.480, 13.12.410 and 13.16.250, Bills-Payment by Due Date (Adds "If the due date falls on a weekend or holiday observed by the city, the due date shall be the close of business on the next business day of the city. (13.04, 13.08, 13.12, 13.16)
95-11	Public Access/Utility Easement on West and South Side of Lot 4, Block 4, Alaska State Land Survey 82-139 (Non-Code) (Special)
95-16	Amends §§ 9.02.030-Curfew Hours and 9.02.040-Exceptions, of Title 9-Public Peace, Morals and Welfare. Amending Curfew hours from 10pm and 6 am Sunday through Thursday, TO **9pm to 6am Mon-Thru,** And from 12am to **11pm Friday and Saturday)** (9.02)
96-01	Adds Ch. 12.06, City Parks and Recreation Areas (The following annexed Chapter, Title 12, City Parks and Recreation Areas, is hereby adopted and incorporated into the Thorne Bay City Code: 12.06 City Parks and Recreation Areas) (12.06)
96-02	Directing the Chief Executive Officer for the City to Offer for Sale and Dispose of Certain Municipal Lands (Non-Code) (Special)
96-04	Amends Title 3-Revenue and Finance; Chapter 3.16-Sales Tax, § 3.16.050, Sales Tax Exemptions. Adding requirement that Seniors live in Thorne Bay to get Exemption and adding Building Tax Exemption (W)) (3.16)
96-05	Amending Chapter 8.04-Fireworks; Section § 8.04.060, Exceptions-Adding "each year between the hours of twelve noon on December 31 and two a.m. on January 1st) (8.04)
96-06	Amends Title 18-Boat Harbor; Section § 18.10.040, Harbor Commission- Changing how members are appointed from appointed by Chief Administrative Officer to Commission Members elect the chairperson) (18.10)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
96-09	Adding Section 2.38.042-Service Fees, to Title 2, Chapter 2.38 Emergency Medical Services Department. The remainder of Title 2, Chapter 2.38 shall continue in full force and effect.) (2.38)
96-10	Adds § 2.32.042-Service Fees, Chapter 2.32-Fire Department Service Fees to be set by Resolution of the City Council. (2.32)
96-11	Directing the Chief Executive Officer for the City to Offer for Sale and Dispose of Certain Municipal Lands and Setting forth the Terms and Conditions of the Sale of Said Property (Non-Code) (Special)
96-20	Amends §§ 13.04.160, 13.08.180, 13.12.160 and 13.16.130, Public Services-Deposits and Credit - Adding "If a customer pays each monthly bill in full by the payment due date for a period of twelve consecutive months. the deposit will be refunded in full to the customer by applying the refund to their utility account. If a customer is late in paying a monthly utility bill. the count of months shall revert to zero for purposes of counting the twelve-month period. Refund of deposits shall be calculated on a quarterly basis (January, April, July. October) each year. (13.04, 13.08, 13.12, 13.16)
96-21	Rezone (Non-Code) (Special)
96-22	Amends § 17.04.020, Zoning; Adding §§ 17.04.031-Low Density Residential, 17.04.032-Medium Density Residential, 17.04.033-High Density Residential; (17.04)
96-23	Repeals and Replaces Title 2 - Administration and Personnel; Chapter 2.08-Mayor, Sections §§ 2.08.020-Vice Mayor and 2.08.030-Mayor Pro-Tempore; Amends § 2.08.010-Powers and Duties; Adopts New Sections 2.08.020-MAYOR PRO TEMPORE; and 2.08.030-Vacancy in Office of Mayor. (2.08)
96-24	Repeals and Replaces Ch. 2.28, Elections (2.28)
96-26	Rezone (Non-Code) (Special)
96-28	Adds Ch. 9.05, Discharge of Firearms; Sections 9.05.010-Prohibited Acts; 9.05.120 Exceptions, 9.05.130 Violations & Penalties (9.05)
96-35	Amends § 2.16.070, Treasury, adding "D. The city council of the City of Thorne Bay may delegate investment custodial or depository authority on a discretionary or nondiscretionary basis to independent firms banks financial institutions broker-dealers. investment advisors. or trust companies by designation through appointments contracts or letters of authority." (2.16)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
96-36	Creates Inter-Island Ferry Authority (Non-Code) (Special)
97-02	Amends Title 2 - Administration & Personnel; Chapter 2.24- Officers and Employees, Section § 2.24.080(C)-Steps for handling grievances. (2.24)
97-03	Amends §§ 18.10.040 and 18.20.020, City Boat Harbor, adding "the number of commission members shall be determined by the City Council" and Adding Subsection B to 18.20.020-Application for Mooring: "B. A copy of Title 18, Thorne Bay Municipal Code, pertaining to the city boat harbor shall be given to each successful applicant for a boat stall." (18.10, 18.20)
97-07	Authorizes Agreement to Purchase Wholesale Electric Power from Alaska Power Company (Non-Code) (Special)
97-15	Amending Title 2-Administration & Personnel; Chapter City Property, Section § 2.56.220-Fair Market Value. (Repealed By 98-15)
97-16	Amends Chapter 8.12-Public Health Clinic; adding Sections §§ 8.12.010-Established 8.12.030-8.12.070, (8.12)
97-22	Adds §§ 18.30.103, 18.30.105, 18.30.106 and 18.30.108; Amends §§ 18.10.020, 18.10.030, 18.20.010, 18.20.030, 18.30.020, 18.30.060, 18.30.080, 18.30.100, 18.30.140 and 18.50.020, City Boat Harbor (18.10, 18.20, 18.30, 18.50)
97-23	Adds § 9.02.025; Amends §§ 9.02.040 and 9.02.050, Curfew for Minors 9.02.025 Aiding and abetting violations. It is unlawful for any adult to aid or abet the violation of any section of this chapter. 9.02.040 Exceptions. E. The minor is attending an adult supervised city sanctioned youth event DELETING: [AT THE OLD GYM]. 9.02.050 Violations and Penalties. 1. First Offense - [TWENTY-FIVE DOLLARS] $50.00 fine [OR] and eight hours of community work service 2. Second and Subsequent Offenses [FIFTY DOLLARS] $100.00 fine [OR] and sixteen hours of community work service. C. Any adult who helps, assists, facilitates, promotes, or encourages a child to commit a violation of this chapter, by advancing or bringing about its commission, is subject to the fines. (9.02)
97-24	Amending Chapter 3.16 - Sales Tax; Section § 3.16.050-Exceptions; Changing Senior Tax Exemption Age Requirement from 65 to 60. (3.16)
97-25	Annexation (Non-Code) (Special)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
97-29	Amending Chapter 2.44-Health and Safety Council; Section § 2.44.020-Membership. (2.44)
98-01	Adds Ch. 2.14, City Administrator, and Amends §§ 1.04.020, General Provisions, 2.16.060 [2.16.050], City Clerk/Treasurer, and 2.36.020 and 2.36.030, Law Enforcement Department (Amending Title 1, General Provisions; Chapter 1.04, General Provisions; Section 1.04.020, Definitions; and Amending Title 2, Administration and Personnel, By Adding Chapter 2.14, City Administrator; Amending Chapter 2.16, City Clerk/Treasurer, Section 2.16.050, Treasurer duties; Chapter 2.36, Law Enforcement Department, Section 2.36.020, Village Public Safety Officer; and Section 2.36.030, Department Chief) (1.04, 2.14, 2.16, 2.36)
98-05	Adds Chapter 2.42, Committees, Boards and Commissions (2.42)
98-06	Amends § 2.52.010, Documents ([Ordinance 98-05-07-01, Amending 2.52.010 Documents-Approval-Attestation] 2.52.010 Documents-Approval-Attestation. All legal documents transferring title to real property of the city or personal property having a value of more than two thousand dollars at the time of transfer [REQUIRING] require the assent of the city and shall be: A. Approved by the city council; B. Signed by the Mayor on behalf of the City; C. Attested to thereon by the City Clerk) (2.52)
98-07	Amends §§ 3.12.101, 3.12.020, 3.12.050, 3.12.060, 3.12.080, 3.12.160-3.12.200, 3.12.220 and 3.12.240, Purchasing (3.12)
98-10	Additional Facilities Agreement (Non-Code) (Special)
98-12	Amends § 3.16.050, Sales Tax Exemptions (X. Sales of goods or services to nonresidents of Thorne Bay who are sixty years of age or older who possess a tax-exempt certificate issued by the city and pay the city a tax-exempt certificate fee of $10.00.) (3.16)
98-14	Re-Appropriates Grants Fund Balances as of July 1, 1998, for Use in Fiscal Year 1999 (Non-Code) (Special)
98-15	Adds Article V, Amends Article Iv and §§ 2.56.020, 2.56.150-2.56.170 and Repeals and Replaces Article Iii of Ch. 2.56, City Property (2.56)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
98-16	Amends § 17.08.010, Zoning (17.08.010 Adoption- Incorporation by reference. The Thorne Bay District Coastal Management Program dated August 1998 [JUNE 1991] is incorporated by reference into the Thorne Bay Municipal Code.) (17.08)
98-17	Amends § 2.28.070(A), Elections (Amending minimum from 40% to 50% to win a regular election or a Run-off Election will be held) (2.28)
98-19	Amends §§ 2.44.020, 2.44.030, 2.44.050, 2.44.070, 2.44.090 and 2.44.110, Health and Safety Council (2.44)
98-20	Amends §§ 18.30.130 and 18.30.140, Rules for Use of Harbor Facilities (Adding H. Operating a four-wheeler, all-terrain vehicle, with or without a trailer. for the purpose of loading or unloading aircraft at the seaplane float facilities to Section 18.30.130 Acts prohibited without prior approval of the harbormaster.) (18.30)
98-23	Adds §§ 17.04.036 and 17.04.037, Zoning (The following Sections are hereby added and adopted into Title 17, Chapter 17.04: 17.04.036-Mobile Home Parks, 17.04.037-Recreational vehicle and travel trailer parks.) (17.04)
99-01	Amends § 6.04.060(C)(4)-(6), Impoundment of Animals (Striking "Calendar Year" and adding "twelve-month period of time" for animal impoundment offense schedule.) (6.04)
99-05	Adds § 1.16.040, General Penalty (Amending Chapter 1.16 by adding and adopting section 1.16.040 Parents or guardians responsible for damages caused by minors) (1.16)
99-09	Amends §§ 2.56.160(A) and 2.56.210(D), Real Property Sales by the City, (Adding: "provided however that in the lease or disposition of the electric utility, such estimated value shall be made pursuant to the city council's direction.") (2.56)
99-10	Adopting Title 13-Public Services; Chapter 13.12-Electricity and adding § 13.12.065; Amends §§ 13.12.020-13.12.050, 13.12.130, 13.12.190-13.12.210, 13.12.230-13.12.250, 13.12.270, 13.12.300, 13.12.310, 13.12.330-13.12.360, 13.12.390, 13.12.520, 13.12.550 and 13.12.560, Electricity (Ordinance 99-06-17-02) (13.12)
99-11	Amends § 2.16.070(C), Treasury. (Amending Chapter 2.16 City Clerk/Treasurer; Adding Subsection - 2.16.070(C)(3) Equities: Common or preferred, American depository receipts, or real estate investment trusts. The remainder of the chapter not specifically amended hereby shall continue in full force and effect.) (2.16)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
99-12	Amends Chapter 17.06-Comprehensive Plan; § 17.06.010, Zoning. 17.06.010 Adoption-Incorporation by reference. The chapter annexed to the ordinance codified in this chapter amends Title 17 of this code by adopting Chapter 17.06, Comprehensive Land Use Plan, which chapter consists of the Thorne Bay Comprehensive Plan dated June 1999 and accompanying Comprehensive Plan Map, copies of which are attached to the ordinance codified in this chapter and incorporated hereby by reference. [THE BALANCE OF TITLE 17 OF THIS CODE SHALL REMAIN IN FULL FORCE AND EFFECT.] The remainder of the chapter not specifically amended hereby shall continue in full force and effect. (17.06)
99-18	Amends § 9.16.010(K), Protection of Water Lake Watershed [DELETIONS ARE CAPITAL & additions are underlined] (Beginning at the [NORTHEAST CORNER OF THE SOUTHWEST 1/4] southeast comer of the north 1/2 of the southwest 1/4 of Section 22, Township 71 South, Range 84 East, Copper River meridian, thence north 36°00' East 1,200 feet, thence south 81°00' East 1,500 feet, thence south 1°00' East 1,700 feet, thence south 37°00' West 800 feet, thence south 24°00' West 500 feet, thence south 49°00' West 1,100 feet, thence north 53°30' West 1,200 feet, thence north 7°15' East 2,084 to the point of beginning.) (9.16)
99-19	Lease Agreement (Non-Code) (Special)
99-20	Amends §§ 2.04.120, 2.04.140, 2.04.150 and 2.04.160, Meetings (Repeals & Replaces Sections 2.04.120-Meetings open to the public, 2.04.140-Meetings Special, 2.04.150-Meetings Notice, 2.04.160-Executive Sessions) (2.04)
99-21	Amends § 2.42.070, Meetings (Striking "Meetings of all committees, boards and commissions shall be open to the public except for a closed or executive session from which the public may be excluded") (2.42)
99-22	Amends Title 2-Administration & Personnel, Chapter 2.44 -Health & Safety Council; § 2.44.050, Meetings (2.44)
99-23	Amends Title 2-Administration & Personnel, Chapter 2.48-Planning Commission; Section § 2.48.050, Meetings (2.48)
99-26	Amends Title 17-Zoning, Chapter 17.04-Planning and Zoning; §§ 17.04.024(F), 17.04.025(F) and 17.04.026(F), Zoning (Adding minimum property development standards and setbacks) (17.04)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
99-27	Amends Title 17-Zoning adding Section § 17.04.015, Definitions (17.04)
99-28	Adds § 3.16.050(Y), Sales Tax Exemptions (The following paragraph is added to Section 3.16.050 as paragraph Y. The remainder of the chapter not specifically amended herein shall continue in full force and effect. Y. Sales of goods or services to residents and/or nonresidents of Thorne Bay who are sixty years of age or older who possess a tax exempt certificate issued by the city may not use it to obtain a sales tax exemption when the goods or services purchased are for use in any trade or business, or for purchases for which the card holder is reimbursed or remunerated by a person or entity on whose behalf the purchase was made and who would not otherwise qualify for a sales tax exemption) (3.16)
00-03	Amends § 17.04.022, Zoning (17.04) [Removing from Conditional Uses and Adding to Prohibited Uses: the Keeping of Animals for Profit Or for More Than Personal Use; Keeping of Large Animals Such As Cattle, Pigs, Horses and Goats; the Keeping of More Than Four Dogs with the Exception of Puppies; Keeping of Roosters Or Other Noisy Livestock;], Adding 7,500 Sq. Ft. Minimum Lot Coverage for Residential Dwellings
01-04-05-01	Adds Ch. 15.08, Dangerous Buildings (15.08)
01-10-08-01	Adds §12.04.015; Amends §§12.04.020, 12.04.030, 12.04.070(B)and 12.04.110, R.V. Parks (12.04) (Designated Sandy Beach Road as City RV Park, Adding Rental Rates)
01-11-15-02	Amends §§2.14.010, 2.14.030, 2.24.010, City Council and City Administrator (2.14, 2.24)
01-11-15-03	Amends §§2.04.080 and 2.24.020, Conflicts of Interest and Nepotism. Defining "Family Member" and "Supervised" (2.04, 2.24)
02-02-07-02	Adds Title 19, Public Library (19)
02-03-21-01	Amends §3.12.16(C), Award to Delinquent Contractor (3.12)
02-06-06-02	Amends §§2.48.020 and 2.48.055, Planning Commission (of Personnel, By Amending Chapter 2.48, Planning Commission, Sections 2.48.020 and 2.48.055, Reducing the Number of Planning and Zoning Commissioners from Seven to Five.) (2.48)
02-08-08-01	Amends §3.16.020, Sales Tax Rate Increase 2% to 5% (Directing the City Clerk to Place on the Ballot of the October 1, 2002, General Municipal Election, to Put Before the Electorate the Question of Whether or Not the Electorate Will Approve A 2% Sales Tax Increase. If Approved the Sales Tax Increase of 2% Will Be Used to Fund General Municipal Services Due to A Decrease in Municipal Revenue.) (2.16)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
02-09-05-01	Amending the Official Zoning Maps to Establish Zoning of Tract Bp-2, Plat No. 97-86, to Commercial.
02-09-05-02 (B)	Amends §9.02.030, Curfew Hours (9.02)
02-09-05-03	Amends §10.12.020, Costs and Fines (Adding the Following Fine Schedule Shall Apply: Impoundment Fine All Vehicles, Travel Trailers, Boats on Trailers, Storage Containers or Like Items: $250.00 Boat Trailers, Motorcycles or ATVs: $100.00 Storage Fee- $2.00 Per Day (10.12)
02-09-05-04	Amending Title 9; Public Peace, Morals and Welfare, Chapter 9.02; Curfew for Minors, Section 9 .02.030; Curfew Hours, of the Thorne Bay Municipal Code. (Changing Hours from 12am-6am to 9pm to 6am, 11pm to 6am and 12 Am to 6 Am for Different Ages)
02-09-05-05	Authorizing the Chief Executive Officer to Offer for Sale and Sell Certain Real Property Known as Lot 14b of the Deer Creek Subdivision, Thorne Bay, Alaska, Pursuant to the Terms and Conditions Set forth Herein.
02-11-07-01	Amending Title 2: Administration and Personnel; Chapter 2.56: City Property; Article Ii, Real Property Sales by the City. [This Ordinance Replaces Title Ii, Chapter 2.56.110 Through 2.56.180] Article Ii. Real Property Sales by the City (2.56)
02-11-21-01	Amending Title 2, Administration and Personnel; Chapter 2.28; Elections, Article Viii, Contest of Elections; Section 2.28.570; Recount Expenses. (Adding 2.28.570 (B) B. All Expenses Incurred by the City Pursuant to An Election Contest Shall Be Paid by the Candidate or Voters Contesting the Election and Each of Them Shall Be Individually Liable for the Whole Amount of Such Expenses. If, based on the Determinization of the City Clerk and/or Mayor That the Contest Proved the Election Invalid, Then All Expenses Incurred by the Election Contest Shall Be Paid by the City. (2.28)
03-01-16-01	Amends §§13.04.510 and 13.04.530, Delinquency Notice (Replaces "Administrator" with "Mayor" for powers of hearings on delinquent accounts and waivers) (13.04)
03-01-16-02	Amends §§13.08.490 and 13.08.510, Delinquency Notice (Replaces "Administrator" with "Mayor" for powers of hearings on delinquent accounts and waivers) (13.08)
03-01-16-03	Amends §§13.16.260 and 13.16.280, Delinquency Notice. (Replaces "Administrator" with "Mayor" for powers of hearings on delinquent accounts and waivers) (13.16)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
03-02-20-01	Amends §2.04.100(F), City Council Vacancies (Changes "misses three consecutive meetings", to "three unexcused meetings within one year") (2.04)
03-05-15-01	Amends §2.08.010, Mayor (Changing Mayor term from (one-year) to (two-years) (2.08)
03-05-15-02	Adds Ch. 2.34, Police Department (Adds sections 2.34.010-Dept Chief Generally & 2.34.020-Powers & Duties) (2.34)
03-06-05-02	Amends §10.20.060, Parking, Standing and Stopping (Adds Harbor Parking Limitations to Code) (10.20)
03-06-05-03	Amends §12.08.040; Repeals §12.08.050, Thorne Bay Boat Ramp (Adds requirement that a parking permit be purchased from the City to park at the Boat Ramp) (12.08)
03-08-21-01	Amends §2.24.090, Officers and Employees (Changes benefits eligibility from "permanent full-time" to "Employees who work 32 hours or more" (2.24)
03-11-20-01	Adds 2.04.020 (c) Councilmembers shall not be employed by the City. (2.04)
03-12-04-01	Amends §§12.04.015, 12.04.020, City R.V. Park (Amending monthly rental rate to $150 per month and customer pays utilities) (12.04)
04-02-05-02	Adds §2.32.015, Fire Department (Adds That a Fire Chief Will Receive A Monthly Stipend at A Rate Determined by the Council) (2.32)
04-02-05-03	Adds §2.38.010 [2.38.015], Emergency Medical Services Department (Provides for A Stipend to the Ems Captain) (2.38)
04-03-18-01	Amends §2.32.042, Fire Department (Changes Fire Fees from Being Set by Resolution, to Being Set by the Fire Department) (2.32)
04-03-18-02	Deleting All of Title 13, Public Works, Chapters: 13.04 - Water, 13.08 - Sewer, and 13.12-Electricity) (Replaces with 13.04-Sewers General; 13.08-Sewer Collection; 13.12-Application for Sewer Service; 13.24-Misc. Provisions; 13.28-Water; 13.32-Application for Water Service; 13.36-Water Main Extensions; 13.40-Water Service Regulation; 13.44-Water Meters; 13.48-Water Rates; 13.52-Discontinued Water Service; 13.56-Responsibility for Water Equipment; 13.60-Fire Hydrants; 13.64-Water Service-Misc. Provisions; 13.68-Water Service Penalties) (Title 13)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
04-03-18-03	Adding Chapters 13.04-Sewer; 13.28-Water; 13.16-Solid Waste (Title 13)
04-06-03-01	Amends §3.16.050, Sales Tax (Deleting Sale of Water, Sewer, Electric, Garbage, from Exceptions to Sales Tax List; Removing Cable Tv and Sales to Nonresidents Over 60 Years Old with Exemption Card, from Exception to Sales Tax List) (3.16)
04-06-03-02	Amends §13.16.172, Solid Waste (Removes Requirement of Segregating Aluminum Cans and Makes It Optional) (13.16)
04-06-17-01	Amends §2.04.130, City Council (Changing Meetings from the First and Third Thursday of the Month, to the 1st and 3rd Tuesday of the Month) (2.04)
04-06-17-02	Amends §6.04.020, Animals Generally (Adds Birds, Domestic Livestock (Horses, Cows, Chickens) to the Exception of Licensing) (6.04)
04-08-03-01	Amends §2.48.050, Planning Commission (Changing Meetings from 2nd Wednesday to 2nd Monday of the Month) (2.48)
04-09-07-01	Adds §§6.05.050--6.05.080; Amends §6.05.030; Renumbers §§6.05.050--6.05.080 As §§6.05.090--6.05.120, Dangerous Animals (6.05)
05-02-01-02	Amending Ord 01-10-08-01; Section 12.04.020; Removing Rates for Daily, Weekly, Annual Leases from City Code and Adds Language That Rates Are Adopted by Resolution and Incorporated by Reference) (12.04)
05-04-05-01	An Ordinance of the Ci1y of Thorne Bay, Alaska, Deleting Sections of Title 2, Administration and Personnel, Chapter 2.56, City Property, Section 2.56.110 - Power to Dispose of Real Property Through 2.56.180 - Conditions of Sale
05-04-05-03	An Ordinance of the City Council for the City of Thorne Bay, Alaska, Directing the City Clerk to Place the Question of the Exemption from the Public Official Financial Disclosure Law (As 39.50) On the October 4, 2005, City of Thorne Bay General Municipal Election (Ord Passed-Question on Ballot Failed)
05-04-19-01	An Ordinance of the City of Thorne Bay, Alaska, Amending Title 2, Administration and Personnel, Chapter 2.56, City Property, Section 2.56.110 - Article Ii - Real Property Sales by the City (I Can See No Indication That Anything Was Added or Removed on This Ordinance) (2.56)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
05-05-17-02	Deleting Title 2, Administration and Personnel, Chapter 2.56, City Property, Section 2.56.190 Through Section 2.25.380; Article Ill- Lease of City-Owned Real Property (2.56)
05-05-17-03	Amending Title 2, Administration and Personnel, Chapter 2.56, City Property, Section 2.56.190 - Article Iii - Lease of City-Owned Real Property (Replaces Prior Language in Sections 2.56.190-2.56.250, Negotiated Leases) (2.56)
05-06-21-02	Amending Title 18, City Boat Harbor, Chapter 18.20 - Registration and Stall Assignment, Section 18.20.040 Payment of Rental and Use Fees and Section 18.20.050 Lien for Unpaid Rentals and Fees. (Changes the Annual Lease Discount from 25% to One Month Free, Billing from 15th to the 1st of the Month; Changing Bills to Be Due the 20th Day, and Not the Fifth Day of the Month) (18.20)
05-07-05-01	Naming the City Property Known as the By-Pass Area Subdivision to Greentree Heights (Council Member Wallace J. Greentree Was Instrumental in Doing the Wetlands Surveys on the Ground and All the Proper Paperwork for the By-Pass Area to Be Submitted to the Army Corps of Engineers. Wallace J. Greentree Spent Many Hours with the Help of Buzz Rochester in Surveying the Land for the Proper Layout of Roads and Lots for Future Development. Wallace J. Greentree Died on May 28, 2005. (See Attached Map)) (Non-Code) (Special)
05-09-06-01	Amending Title 3, Revenue and Finance, Chapter 3.16 Sales Tax, Section 3.16.050 Exemptions (Increases Sales Tax Rate from 3% to 5% (All Funds to General Fund); Increases the Age for Senior Exemptions from 60 to 65; and Increases Fee for (Building Exemption Permit from $300 to $500) (3.16)
05-09-06-02	Amending Title 2, Administration and Personnel, Chapter 2.04 - City Council, Section 2.04.050 - Compensation of Council Members and Chapter 2.08 - Mayor, Section 2.08.040- Compensation (Increases Stipend from $75 to $100 Per Regular Meeting) (2.08)
05-09-06-03	Adding to Title 2, Administration and Personnel, Chapter 2.48 - Planning Commission, Section 2.48.025 - Compensation of Commission Officials (Providing No Payment for Special Meeting Attendance)
05-09-06-04	Amending Title 2, Administration and Personnel, Chapter 2.08- Mayor, Section 2.08.010-Powers-Duties, Section 2.08.020- Mayor Pro Tempore and Section 2.08.030-Vacancy in Office of Mayor, Mayor Pro Tempore (Changes Title of Mayor Pro Tempore to Vice Mayor) (2.08)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
05-10-10-01	Amending Title 2, Administration and Personnel, Chapter 2.24 - Officers and Employees, Section 2.24.020 - Hiring Policy (Increases Required Posting Time for Job Vacancies from 10 Days to 30 Working Days) (2.24)
05-12-06-02	Amending Section 9.05.010 - Prohibited Acts and Deleting C from Section 9.05.020 - Exceptions, Chapter 9.05 - Discharge of Firearms, Title 9 - Public Peace, Morals and Welfare (Removing "Any Citizen Discharging a Firearm In A Regularly Established Shooting Gallery Or Into Approved Backstop" Adding: "Any Citizen from Discharging A Firearm On the Left Side of the Kasaan Road #2030970 When Traveling to Kasaan. From Goose Creek Between the "No Shooting" Sign At AP&T Power Pole #80 and the "No Shooting" Sign At AP&T Power Pole #I 16, Approximately 2.5 Miles." (9.05)
05-12-20-01	Adding Title 1, General Provisions, Chapter 1.16-General Penalty, Section 1.16.050 Reimbursement for Damage to City Property (Adding Language: Malicious or Grossly Negligent Shall Be Recovered at the Cost of Repair or Replacement from the Person, Or Corporate Entity Causing Said Damage. A Fine of Up to Ten Times the Cost of Repair or Replacement of City Property May Be Imposed on Said Person, Or Corporate Entity That Caused Willfully Malicious or Grossly Negligent Damage. the City Will Replace or Repair City Property That Is Damaged, Dispute Any Proceedings That May Be in Process, to Recover Losses from Damage in A Timely Manner, Unless Those Costs Cause Major Financial Hardship to the City. A Major Financial Hardship to the City Would Be Determined by the City Council" (1.16)
06-02-07-01	Authorizing the Sale of Certain Real Property Known as Tract Bp-2b (9934 Square Foot Lot-Land Only), Plat 97-86 of Municipal Land "Seaford Property" and 8,050 Square Feet of Lot 5, Manier Subdivision, A Subdivision of Lots 7 and 8, Block 3, ASLS 82-139 (Plat 83 -42) "Some Place to Go" Property (Non-Code) (Special)
06-02-21-01	Adding Title 2, Administration and Personnel, Chapter 2.04, Section 2.04.020, Qualifications of Councilmember's; Adding C, D, and E; Chapter 2.42, Section 2.42.20, Members-Terms-Officers, Adding A, B, C, D, and E; Chapter 2.48, Section 2.48.20, Commission Members, Adding C, D, and E (Adding A Requirement That All Commission and Councilmembers Keep Accounts Current Owed to the City to Be Eligible to Be In Office) (2.04)
06-03-21-01	Deleting Title 2, Administration and Personnel; Chapter 2.12 Ordinances, Resolutions, and Technical Codes; Section 2.12.100, Resolution Procedures (Replacing with Language That Ordinances and Resolutions Will Be Read Out Loud for the Public "If Requested) (2.12)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
06-05-02-01	Amending the Official Zoning Map to Establish Zoning of Greentree Heights Subdivision; Adding Section 17.04.034-Greentree Heights Residential Zoning) (17.04.043)
06-05-02-02	Authorizing the Chief Executive Officer to Offer for Sale and to Sell Certain Real Property Known as Greentree Heights Subdivision, Thorne Bay, Alaska, Pursuant to the Terms and Conditions Set forth Herein (Offers for Sale 11 Lots On Greentree Heights Subdivision; Adopts Terms and Conditions of Sale) (Non-Code) (Special)
06-05-16-01	Amending Title 2, Administration and Personnel; Chapter 2.24 Officers and Employees; Section 2.24.030, Employment; Subsection (E) Pay Period (Changes from Being Paid the 1st and 15th to Paid Every Two Weeks) (2.24)
06-07-0-01	Adding to Title 8 Health and Safety, Chapter 8.04 Fireworks, Section 8.04.090-Violations-Penalties (Adding $50 Fine for Violations) (8.04)
06-08-01-02	Establishing the City of Thorne Bay Department of Emergency Management (Adding Chapter 8.24-Department of Emergency Management; Sections 8.24.010; 020; 030; & 040) (8.24)
06-09-05-01	An Ordinance of the City Council Adding to Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.030- AAC Title 13-Provisions-Adoption by Reference (Defining "ATV", Setting Minimum Age of 18 for Operations; Requires Valid Dl; Remain 15' from Another Vehicle) (10.04)
06-11-21-01	Adding to Title 3, Revenue and Finance; Chapter 12, Purchasing; Section .070, Prior Council Approval (Requires 7 Questions to Be Answered for All Expenditures Exceeding $10,000; and Requires Approval by the Council) (3.12)
06-12-19-01	Authorizing the Mayor or Mayor Designee to Enter into A Lease Agreement with Monte and Melody McDonald for the Property Located At 1212 Shoreline Drive, Thorne Bay, Alaska, with A Lease Term of Twenty-Five Years (Non-Code Ordinance) (Non-Code) (Special)
07-02-20-01	Amending Title 2, Administration and Personnel; Chapter 2.24, Officers and Employees; Section 2.24.020, Hiring Policy (Amends Job Announcement Posting from 30 Working Days to 30 Calendar Days)
07-03-20-01	Adopting the Final Plan Amendment of the City of Thorne Bay Coastal Management Plan (Non-Code) (Special)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
07-04-04-01	Amending Ordinance 06-05-02-02, Authorizing the Chief Executive Officer to Offer for Sale and to Sell Certain Real Property Known as Greentree Heights Subdivision Lots 1-7 and 9-12, Thorne Bay, Alaska, Pursuant to the Terms and Conditions Set forth Herein (Non-Code) (Special)
07-04-04-02	Amending Ordinance 06-05-02-01 the Official Zoning Map to Establish Zoning of Greentree Heights Subdivision. (Adding Treated Pile Driven Foundations as Permitted Uses)
07-04-04-03	Authorizing the Chief Executive Officer to Offer for Sale and to Sell Commercially Zoned Lots 1 & 2 of the Downtown Business District Subdivision, Thorne Bay, Alaska (Non-Code) (Special)
07-05-01-01	Authorizing the Sale of Certain Real Property Known as Lot 1, Downtown Business District Subdivision, Thorne Bay, Alaska, to Jim Wilson and Jim Silverthorn Dba Prince of Wales Gas. (Non-Code) (Special)
07-05-15-01	Directing the City Clerk to Place The: Question of Implementing a Transient Occupancy Tax In Thorne Bay On the October 2, 2007, City: of Thorne Bay General Municipal Election Ballot (If Approved, 4% Bed Tax, Sunsets After 4 Years, Dedicates Revenues to Be Spent: 35% Ems, 35% Harbor Maintenance, 15% Tourism, 15% General Fund) (3.18)
07-06-05-02	Authorizing the Chief Executive Officer to Offer for Sale and to Sell Commercially Zoned Lot 3 of the Downtown Business District Subdivision, and Lot 8 of the Greentree Heights Subdivision, Thorne Bay, Alaska, Pursuant to the Terms and Conditions That Are Attached (Non-Code) (Special)
07-06-19-01	Authorizing the Chief Executive Officer to Offer for Sale and to Sell Certain Real Property Known as Greentree Heights Subdivision Lots 13-24, Thorne Bay, Alaska'., Pursuant to the Terms and Conditions Set forth Herein (Non-Code) (Special)
07-06-19-03	Amending Title 6-Animals, Chapter 6.04-Animals General; Section 6.04.060-Impoundment; Sub-Section (C)-1, 2;3, 4, 5, and 6. (Increases Shelter Fees for Animal Impoundment) (6.04)
07-06-19-04	Amending Title 3-Revenue and Finance, Chapter 3.24-Fine Schedules, Section 3.24.020-Animal Control Graduated Fine Schedule (Increases Fines for Animal Control) (3.24)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
07-08-07-01	Renumbers Title 3-Revenue and Finance from Chapter 3.16-Sales Tax, and Replaces with Title 3-Revenue and Finance, Chapter 3.17-Sales Tax (3.17)
07-09-04-01	Amending the Thorne Bay Municipal Code, Title 10-Vehicles and Traffic; Chapter 10.20-Parking, Standing and Stopping; Section 10.20.060-Off-Street Parking Place-Removal of Unauthorized Vehicles; Adding 10.20.060(E)Park and Sell by Permit Required and 10.20.060 (F) Long Term Parking and Storage Designation (10.20)
7-12-04-01	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.1 Io Sales Tax Exemptions for the Elderly (Required That They Are Resident One Year Prior to Tax Card) (3.16)
07-12-04-02	Amending Title 18-Harbor, Chapter 18.20-Registration and Stall Assignment, Section 18.20.070-Priority in Space Assignment (Adding Requirement for Additional Harbor Stalls - Must Pay for One Annually in Order to Obtain a Second Stall)
08-01-08-01	Amending Title 13-Utilities, Adding Chapter 13.70-Solid Waste (Not Sure What the Change Was Here)
08-04-15-01	Amending Title 3-Revenue and Finance, Chapter 3.18-Transient Occupancy Tax (Adding to Definitions for Hotel, Rental Package, Tax Imposed) (3.18)
08-04-15-02	Adopting the Thorne Bay Community Emergency Operations Plan
08-04-01-01	Amending Title Io-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.030-AAC Title 13-Provisionsadoption by Reference (Adding "No One Is Allowed to Drive an A1v Without A Valid Drivers Permit, Valid Driver's License or City Youth Permit. A. the City Youth Permit (CYP) Is for Youth's Aged 12 Thru Age 15.") (10.04)
	Drivers Permit, Valid Driver's License or City Youth Permit. A. the City Youth Permit (CYP) Is for Youth's Age 12 Thru Age 15.") (10.04)
08-05-20-01	Amending Title 13-Utilities, Chapters 13-48-Water Rates, 13.70-Solid Waste and 13.12-Application for Sewer Service, Sections 13-48.060-Mailing Bills, 13.70.130-Deposit-Terms, and 13.12.030- Deposits (Changes When Bills Are Mailed to the First of the Month, Removes Requirement of City to Pay Interest On Deposits Held; Removes Language Stating the City Will Refund Deposit After 12 Months of Good Payment History) (13.48; 13.70; 13.12)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
08-07-15-01	Amending Ordinance 08-04-01-01, and Title Io-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.030-AAC Title 13 -Provisions Adoption by Reference (Adding "City Youth Permit" for Children 12 and Up to Operate ATV) (10.04)
08-08-19-01	Adding Title 2-Administration and Personnel, Chapter 2.24-Officers and Employees, Section 2.24.075-Jury and Court Leave (Adds All New Section for Jury and Court Leave - Providing That Employees Will Be Paid Regular Days Pay If Serving on Jury Duty) (2.24)
08-09-16-02	Amending Title 16-Subdivisions, Chapter 16.32-Monumentation-Vacations-Dedications, Section 16.32.010-Monumentation (Changing from Three Quarter Inch by Thirty Inch to 5/8" X 24") (16.32)
08-09-16-01	Amending Title 8-Health and Safety, Chapter 8.04-Fireworks, Section 8.04.090-Violation-Penalties (Increasing Fines for Violations of Title 8 to $150) (8.04)
08-10-07-01	Amending Title 2-Administration and Personnel, Chapter 2.24-Officers and Employees, Section 2.24.040-Travel and Per Diem Allowance (Amending Mileage Reimbursement Rate from $0.35 to $0.50 Per Mile) (2.24)
08 - 10- 07 - 02	Amending Title 8- Health and Safety, Chapter 8. 04 - Fireworks, Section 8.04.080 - Public Exhibitions Permit Application Fee (Amends Fee for Fireworks Permit from $100 to $25) (8.04)
08-10-21-01	Amending Title 2-Administration and Personnel, Chapter 2.24-Officers and Employees, Section 2.24.040-Travel and Per Diem Allowance (Adding Reimbursement for Rental Vehicles Shall Be Preapproved by the Mayor or City Administrator) (2.24)
08-10-21-02	Amending Title Io-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.030- AAC Title 13 Provisions adoption By Reference (Amending Speed Limit to "Posted" Rather Than 10mph, Changing Yearly Renewal from $25 to $10 for ATV'S, Adding Fluorescent Flag as A Requirement) (10.04)
08-10-21-03	Amending Title 16-Subdivisions, Chapter 16.16-Short Plats, Section 16.16.010-Application (Changing the Title Block on Plats from the Left Hand to the Right-Hand Side of the Plat) (16.16)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
08-11-18-01	Amending Title 18-Harbor, Chapter 18.30-Rules for Use of Harbor Facility, Section 18.30.140-Prohibited Acts (Adding Language to Prohibited Acts That "Tying Or Mooring Pile Drivers, Scows, Barges, Boat Houses, Or Other Similar Vessels, Or Vessels Over One Hundred Feet In Length, Or More Than 20% of Stall Length As Measured By Length Overall from the Furthest Part of the Bow to the Furthest Part of the Stern, Too. Any Float or Stall") (18.30)
08-12-02-01	Amending Title 2-Administration and Personnel, Chapter 2-Officers and Employees, Section 2.24.030- Employment (Adding "With Termination Date Established Upon Hire" to Temporary Employees) (2.24)
08-12-02-02	Amending Title 2-Administration and Personnel, Chapter 2-Officers and Employees, Section 2.24.070- Sick Leave (Adding "Failure to Keep Superior Informed of Expected Return Date May Result in Termination of Employment.") (2.24)
08-12-16-01	An Ordinance of the City Council for the City of Thorne Bay, Alaska, Adding Title 3-Revenue and Finance, Chapter 3.15-Short Term Investment Policy to the Thorne Bay Municipal Code
09-01-06-01	Amending Title 10-Vehicles and Traffic, Chapter 10.20-Parking, Standing and Stopping, Section 10.20.060- Off Street Parking Place, Removal of Unauthorized Vehicles. Adding "All vehicles with no visible way to identify the owner will be marked and impounded after two weeks." (10.04)
09-02-03-01	Amending Title 2-Administration and Personnel, Section 2.24.090-Compensation, Section 2.24.090-Compensation. C. Overtime, (1) Employees who work over forty hours per week or eight hours per day shall be compensated at the rate of one and one-half their hourly rate. (2.24)
09-02-17-01	Amending Title 2 - Administration and Personnel, Chapter 2.24 - Officers and employees Section 2.24.060-Annual leave. Adding "Any employee that is approved for a draw for any amount will not be deducted in full in the upcoming paycheck, the employee will guarantee this amount by maintaining the full number of vacation hours at the amount necessary to pay back the draw if their employment should end prior to fulfilling their debt unless authorized by the Mayor."
09-02-17-03	Title 18- Harbor, Chapter 18.50-Enforcement, Section 18.50.020-Penalties. Adding "Hearing with Harbor Commission" for any 4th offense. (18.50)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
09-03-03-01	Amending Title 2 - Administration and Personnel, Chapter 2. 24 - Officers and Employees, Section 2.24.050-Suspension, Demotion and Termination. Adding requirement that all employees who resign are to be paid the next working day. (2.24)
09-04-07-01	Title 18-City Boat Harbor, Chapter 18.30-Rules for use of harbor facilities, Section 18.30.015-Live aboard at Davidson Landing, Subsections A, B & C. A. All overnights at Davidson Landing will be charged a transient daily moorage rate. B. Overnights at Davidson Landing are not to exceed 10 days per year unless authorized by Harbor Master. C. Live-aboard at Davidson Landing is prohibited until water and sewer services are available.
09-06-02-01	Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.160(A)(l)-Violations and Penalties. (adding the State Traffic Fine Schedule) (10.04)
09-06-02-02	Removes from 13.14.020 Charges placed on bill "Customers receiving Sewer Services, but do not receive Water Service, shall be billed separately". And, adds to 13.48.010 Water service rates "customers who participate in water services and have sewer connections, must participate in the sewer utility unless otherwise approved by the department". (13.14 & 13.48)
09-07-21-01	Amending Title 13-Utilities, Chapters 13.32, and 13.12, Sections 13.12.040-Forfeiture of deposits, and 13.32.050-Forfeiture of deposit. Changing "all bills due the "Department" to "all bills due the City". (13.12 & 13.32)
09-07-21-02	Amending Title 10-Vehicles and Traffic, Chapter 10.20-Parking Standing and Stopping, Section 10. 20.080-Time limited parking spaces and additional restrictions. Adding Subsection 10.20.080 (D) "NO OVERNIGHT CAMPING". (10.20)
09-08-04--01	Amending Title 3- Revenue and Finance, Chapter 3. 17-Sales Tax, Section 3.17.110-Sales tax exemption for the elderly. Adding cost for senior exemption cards of $10 to be renewed every two years. (3.17)
09-09-01-01	Adding Chapter 18.60 - Harbor Fund, to TBMC Code Title 18-Harbor. (18.60)
09-09-01-02	Amending Title of 17-Zoning, Chapter 17. 04 - Planning and Zoning, Sections 17. 04.030- Public Zone, and 17. 04. 023- Deer Creek Residential. (Removing "Electrical Utility" from 17-04-023 and 17.04.030- Public Zone) (17.04)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
09-09-15-01	Authorizing the creation of a Regional Solid Waste Management Authority. (Special) (Non-Code)
09-09-15-02	Amending Chapter 2.08-Mayor, Section 2.08.040-Compensation, Increasing Mayor monthly stipend from $100 to $500. (2.08)
09-09-15-03	Placing the question of a sales tax increase of one percent from 5% to 6% on the October 6, 2009, General Election Ballot. Revenues to be spent 60% in Streets & Roads / 40% Community Development.
09-09-15-04	Increasing Council stipend from $75 per meeting to $100 per meeting. (2.04)
09-10-01-01	Amending Title 6-Animals, Chapter 6.04-Animals Generally, Section 6.04.020-Licensing; Changing the way animal licensed are billed from Calendar year, to renewed annually from the date purchased. (6.04)
09-10-19-01	Amending Title 13-Utilities, Chapters 13.14-ewage Service Rates, 13.48-Water Rates, 13.70-Solid Waste, Sections 13.14.030 Payment of Bills, 13.48.070-Payment of Bills & 13.70.250-Bills-Payment by due date; adding finance charge to be assessed after the 20th day of the month in the rate of 0.875% (13.14, 13.48, 13.70)
09-11-03-01	The purpose of this Ordinance is to provide for the sale of Commercially Zoned Lot 10 and the KPC Building of the Downtown Business District Subdivision.
09-11-03-02	Amending Title 12-Streets Sidewalks and Public Places, Chapter 12.04-RV Park, Section 12.04.070-Parking Limitations. Increasing the number of vehicles allowed per RV Space from 1 vehicle to 2 vehicles. (12.04)
10-04-20-01	Amending Title 18-Harbor, Chapter 18.30-Rules for Use of Harbor Facility, Section 18.30.140-Prohibited Acts,
10-01-05-01	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.130-Use of Proceeds from Sales Tax,
10-01-05-03	Amending Title 18-City Boat Harbor, Chapter 18.20-Registration and Stall Assignment, Section 18.20.040-Payment of Rental and Use Fees, Discussion and Action

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
10-01-19-01	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.020-Levy of Tax,
10-01-19-02	Amending Title 2-Administration and Personnel, Chapter 2.24-Officers and Employees, Section 2.24.030- Employees (C) Probationary Employees,
10-01-19-03	Amending Title 2-Administration and Personnel, Chapter 2.04-City Council, Section 2.04.060-Salaries of Elected Officials,
10-03-02-01	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.100-Exemptions, 317.100(Y),
10-04-06-01	Amending Title 18-Harbor, Chapter 18.30-Rules for Use of Harbor Facility, Section 18. 30..010(D)-Live Aboard Policy,
10-04-06-02	Amending Title 18-Harbor, Chapter 18.30-Rules for Use of Harbor Facility, Section 18.30.140(S)-Prohibited Acts,
10-04-20-01	Amending Title 18-Harbor, Chapter 18.30-Rules for Use of Harbor Facility, Section 18.30.140-Prohibited Acts,
10-05-04-01	Deleting Title 6-Animals, Chapter 6.04-Animals Generally, Section 6.04.050-Restraint, and Section 6.04.090-Animal Waste,
10-06-01-01	Authorizing the Mayor to Offer for Sale Lots 25-33 of the Greentree Heights,
10-06-15-01	Amending Title 13-Utilities, Chapter 13.20-Prohibited Acts, Section 13.20.010-Designated,
10-06-15-02	Amending Title 19-Public Library, Chapter 19.04-Establishment, Section 19.04.010-Designation and Establishment of Public Library,
10-06-15-03	Amending Title 19-Public Library, Chapter 19.08-Penalties, Section 19.08.010-Fine Schedule,
10-06-15-04	Amending Title 6-Animals, Chapter 6.04-Animals Generally, Section 6.04.050-Restraint,

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
10-06-15-05	Amending Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.160-Violations and Penalties,
10-06-15-06	Amending Title 10-Vehicles and Traffic, Chapter 10.20-Parking, Standing and Stopping, Section 10.20.040-Stopping, Standing or Parking Are Prohibited Where,
10-06-15-07	Amending Title 18-Harbor, Chapter 18.40-Control of Nuisance and Derelict Boats, Section 18.40.010-Derelict, Nuisance, Unseaworthy, Wrecked and Sunken Vessels,
10-07-06-01	Authorizing the Mayor to Off for Sale Lots 8 and 25-33 of Greentree Heights, Lots 2 & 3 of the Downtown Business District,
10-07-06-02	Amending Title 18-Harbor, Chapter 18.40-Control of Nuisance and Derelict Boats, Section 18.40.010-Derelict, Nuisance, Unseaworthy, Wrecked and Sunken Vessels,
10-07-20-02	Amending Title 10-Vehicles and Traffic, Chapter 10.20-Parking Standing and Stopping, Section 10.20.040-Stopping, Standing or Parking Prohibited,
10-08-03-01	Amending Title 12-Streets, Sidewalks and Public Places, Chapter 12.08-Thorne Bay Boat Ramp, Adding Section 12.08.070-Penalties,
10-08-03-02	Authorizing the Mayor to Offer for Sale Lots Dc1, Dc2 and Dc4 of the Deer Creek Subdivision,
10-09-21-01	Authorizing the Mayor to Enter into An Agreement with Dean Blankenship and Steve Schoonover for the Sale of Surplus Timber Located Near Loon Lake,
10-10-11-01	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.030-Duty of Seller to Collect,
10-11-23-01	Amending Title 2-Administration and Personnel, Chapter 2.38-Emergency Medical Services Department,
11-01-04-01	Amending Title 9-Public Peace Morals and Welfare, Chapter 9.05-Discharge of Firearms, Section 09-05-010(A)-Probation Acts,
11-04-05-01	Amending Title 1-General Provisions, Chapter 1.01-Code Adoption, Section 1.01.010-Adoption, (This Ordinance States the Thorne Bay Municipal Code Is Edited and Published by the City Clerk Not the Book Publishing Company)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
11-04-19-01	Amending Title 18-City Boat Harbor, Chapters 18.20-Registration and Stall Assignment, 18.30-Rules for Use of Harbor Facility, Sections 18.20.040-Payment of Rental and Use Fees, 18.30.050-Power of Harbormaster to Move Vessels Within the Harbor, (This Ordinance Gives the Harbormaster Power to Charge Fees for Moving Vessels as Needed and Approved By Council, and Also Changes the 2% Finance Charge to .875%)
11-04-19-02	Amending Title 2-Administration and Personnel, Chapter 2.34-Police Department, Section 2.34.010-Department Generally Chief, (This Ordinance Changes One Word from Shall to May)
11-04-19-03	Adding Section 2.56.330-Terms and Conditions of Temporary Uses of City Owned Real Property, to Title 2-Administration and Personnel, Chapter 2.56-City Property, (This Ordinance Allows for Rental of City Property)
11-05-03-01	Amending Title 2-Administration and Personnel, Chapter 2.24-Officers and Employees, Section 2.24.030-Employment (D) Project Employees, (This Ordinance Adds the Wording That Project Employees Are Hired, Appointed or Volunteer for A Position)
11-05-03-03	Amending Title 3-Revenue and Finance, Chapter 3.12-Purchasing, Section 3.12.070-Prior Council Approval, (This Will Clarify What Prior Council Approval Includes)
11-06-07-01	Amending Title 3-Revenue and Finance, Chapter 12 – Purchasing, Section 3.12.070-Prior Council Approval, Adding Wording of Excluding Day to Day Operations,
11-09-20-01	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.110-Sales Tax Exemption for the Elderly,
11-11-15-01	Amending Title 2-Administration and Personnel, Section 2.24.030-Employment, (This Will Require That All Volunteers Accounts with the City Be Paid in Full Before Receiving Stipends)
12-02-07-01	Amending Title 13-Utilities, Chapter 13.48-Water Rates, Section 13.48.110-Reconnect Charge, (the City Currently Has No Charge for False Alarm, Wherein Staff Goes Through the Motions to Shut Off Water and the Account Is Paid During the Process of Physically Shutting the Water Off)
12-02-21-01	Amending Title 13-Utilities, Chapter 13.70-Solid Waste, Section 13.70-270-Discontinue of Account for Delinquent Service.

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
12-03-20-01	Amending Title 13-Utilities, Chapter 13.70-Solid Waste, Section 13.70-270-Discontinue of Account for Delinquent Service,
12-03-20-02	Amending Title 2-Administration and Personnel, Section 2.32 and 2.38 Fire and Ems,
12-04-03-01	Amending Title 2-Administration and Personnel, Chapter 2.48-Planning Commission, Sections 2.48.010 and 2.48.020,
12-04-03-02	Amending Title 16-Subdivisions, Chapter 16.04-General Provisions, Sections 16.04.050 and 16.04.060,
12-04-03-03	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.100-Exemptions,
12-04-03-05	Amending Title 17-Zoning, Chapter 17.04-Planning and Zoning, Sections 17.04.011-Administrative Provisions,
12-05-01-01	Amending Title 18-Harbor, Chapter 18.40-Deralict Boast, Section 18.40.020-Abatement of Nuisance-Impoundment-Removal and Sale,
12-07-17-01	An Ordinance Authorizing the Question of An Increase in Sales Tax from 6% to 7% to Be Placed on the October 2, 2012, Ballot,
12-07-17-02	An Ordinance Authorizing the Question of a Transient Occupancy Tax (Bed Tax) to Be Placed on the October 2, 2012, Ballot,
12-09-04-01	Repealing Ordinance 12-07-17-01,
12-09-04-02	Repealing Ordinance 12-07-17-02,
12-10-08-01	Providing for the Sale of 6,463 Square Feet of Municipal Owned Land Immediately Surrounding 1220 Shoreline Drive to Nicholas and Wendy Gefre,
12-11-20-01	Amending Title 13-Utilities, Chapters 13.14-Sewer, 13.52 – Water, and 13.70 Solid Waste,
13-04-02-01	Amending Title 2-Administration and Personnel, 2.14-City Administrator,

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
13-04-02-02	Amending Title 2-Administration and Personnel, 2.16-City Clerk,
13-04-02-03	Amending Title 2-Administration and Personnel, 2.38-Emercency Medical Services,
13-04-02-04	Amending Title 18-City Harbor,
13-04-16-01	Amending Title 3-Revenue and Finance, Chapter 3.08-Budget, Section 3.08.110-Budget Adoption,
13-08-06-01	An Ordinance Amending Live-Aboard Policy at the Thorne Bay Harbor,
13-09-03-01	Establishing Additional Vehicle Registration Fees for Thorne Bay, (This Item Is for Introduction Again Since No Action Was Taken at the August 20, 2013)
13-10-15-01	Amending the Municipal Code Title 6 - Animals,
13-11-19-01	Amending Title 6-Animals,
13-11-19-02	Adding to Title 12-Streets, Sidewalks, and Public Places, Chapter 12.09-Roads Commission.
13-12-03-01	Amending Title 2, Chapter 2.28-Elections,
13-12-03-02	Adopting Title 3, Chapter 3.18-Transient Occupancy Tax,
14-03-04-01	Amending Title 2.48.050 and 2.48.055-Planning Commission,
14-03-04-02	Amending Title 17 Removing Chapter 17.08-Coastal Management,
14-03-04-03	Amending 2.24.050-Officers and Employees,
14-03-04-04	Amending Title 13-Utilities, Chapters 13.28 and 13.04,
14-04-15-01	Amending Title 6-Animals, Chapter 6.04-Animals Generally, Deleting Section 6.04.020 (E)-Licensing,

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
14-04-15-02	Amending Title 12-Streets Sidewalks and Public Places, Chapter 12.04-City RV Park, (Sponsor: Mayor Gould)
14-10-13-01	Authorizing the Sale of Municipal Owned Building Known as the Thorne Bay Restaurant,
14-12-02-01	Establishing an Abandoned Vehicle Ordinance for the Thorne Bay Municipal Code,
15-03-17-01	Amending Title 17-Zoning, Chapter 17.04-Planning and Zoning, Section 17.04.015-Defenitions,
15-03-17-02	Amending Title 13-Utilities, Chapters 13.70-Solid Waste, 13.52-Water and 13.48-Sewer,
15-03-17-03	Amending Title 15-Buildings and Construction, Adding Chapter 15.10-Site Control,
15-03-17-04	Amending Title 16-Subdivisions, Chapter 16.08-Definitions, Section 16.08.090-Subdivision,
15-06-02.-01	Amending Title 2-Administration and Personnel, Chapter 2.56-City Property,
15-06-02-02	Amending Title 3-Revenue and Finance,
15-11-17-01	Non-Code Ordinance Directing the City Clerk to Place the Question “Shall Resolution Number 15-09-01-01, Which Amended Resolutions 13-07-02-02, 09-11-30-03 and 09-01-20-01, Titled Fee Schedule for Fire and Ems Departments Be Repealed” On the October 4, 2016, Ballot for the General Municipal Election, .
15-12-15-01	An Ordinance of the City Council Amending Title 16-Subdivisions,
15-12-15-02	An Ordinance of the City Council Amending Title 17.04.043 – Conditional Use Permits and Title 17.04.044 – Variance Procedures,
15-12-15-03	An Ordinance of the City Council Amending Title 18-Harbor,
16-01-05-01	An Ordinance of the City Council Amending Title 15.04-Setbacks Adding Section 15.04.020-Development Plans,

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
16-01-05-02	An Ordinance of the City Council Amending Title 17.04-Planning and Zoning, Sections 17.04.022-Residential Zone, 17.04.023 Deer Creek Residential, 17.04.024 Mixed Residential/Commercial I, 17.04.025 Mixed Residential/Commercial Ii, 17.04.026 Mixed Residential/Commercial Iii, 17.04.027 Commercial Zone, 17.04.028 Industrial Zone, 17.04.029 Waterfront Development Zone, 17.04.030 Public Zone, .
16-02-16-01	An Ordinance of the City Council Amending Title 2.28-Elections,
16-03-01-02	Amending Title 2-Administration and Personnel, Chapter 2.56-City Property,
16-03-15-01	Amending Title 17-Zoning, Chapter 17.04-Planning and Zoning, Section 17.04.029-Waterfront Development Zone,
16-04-19-01	An Ordinance Amending Title 18-Harbor, Section 18.20.070-Priority in Space Assignment,
16-06-07-01	Amending Title 12-Streets, Sidewalks and Public Places, Chapter 12.04-City RV Park, Section 12.04.110-Security and Cleaning Deposits (12.04)
16-06-07-02	Amending Title 18-Harbor, Chapter 18.30-Rules for Use of Harbor Facility, Section 18.30.010-Live-Aboard Policy, Adding Section 18.30.010 (F) Deposit for Live-Aboard Agreements Shall Be Established by Resolution of the City Council (18.30)
16-06-21-01	Amending Title 18-Harbor, Chapter 18.10-General Provisions, Section 18.10.020-Definitions (I) “Residence”, and Chapter 18.30-Rules for Use of Harbor Facility, Section 18.30.010-Live-Aboard Policy (18.30)
16-09-06-01	Amending Title 2-Administration and Personnel, Section 2.24.090-Compensation. (Changing the Way Overtime Is Paid – No Longer Pay Overtime for Work Over 8 Hours Per Day to Only Paying Overtime on Hours Worked in Excess of 40 In One Week)
16-09-20-01	Amending Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions. (10.04)
16-09-20-01	Amending Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions. (10.04)
17-02-07-01	Amending Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.030-Title 13-Provisions Adoption by Reference – ATV Code Amendment. (10.20)

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
17-03-07-01	Amending Title 3-Revenue and Finance,
17-03-07-02	Amending Title 18-Harbor, Chapter 18.30- Rules for Use of the Harbor Facilities. (18.30)
17-03-21-01	Amending Title 3-Revenue and Finance.
17-03-21-02	Amending Title 18-Harbor, Chapter 18.30-Rules for Use of the Harbor Facilities (18.30)
17-04-18-01	Amending Title 3 – Revenue and Finance, Section 3.15.030-Permissible Investments Adding Subsection (B) – Community Development Sales Tax Proceeds. (3.15)
17-05-02-01	Amending Title 2 – Administration and Personnel, Chapter 2.24-Officers and Employees, Section 2.24.070 – Sick Leave, Adding Subsection 2.24.070 (A)(3) Short Hour Employee Sick Leave Accrual. (2.24)
17-05-16-01	Amending Title 17-Zoning, Chapter 17.04-Planning and Zoning, Adding Section 17.04.040-Communications-Telecommunications Facilities,
17-05-16-02	Amending Title 17-Zoning, Chapter 17.04-Planning and Zoning, Sections 17.04.022-Residential, 17.04.05-Mixed Residential/Commercial Ii and 17.04.027-Commercial Zone, Adding Communications-Telecommunications as Permitted or Conditionally Permitted Uses Within the Zone,
17-05-16-03	Amending Title 16-Subdivisions, Chapter 16.12-Platting Requirements, Sections 16.12.020-Waiver Provisions for Lots Over 5 Acres; 16.12.025- Waiver Provisions for Lots Under 5 Acres, and 16.12.030-Procedure for Lots Under 5 Acres,
17-05-16-04	Amending Title 3-Revenue and Finance, Section 3.17.110-Sales Tax Exemption for the Elderly,
17-06-06-01	Amending Title 17-Zoning, Chapter 17.04-Planning Zoning, Adding Sections 17.04.015-Definitions “M-Marijuana”.
17-06-06-02	Amending Title 9-Public Peace Morals & Welfare, Adding Chapter 9.30-Marijuana,

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
17-06-20-01	Zoning of Old Skid Road Subdivision, and South Thorne Bay Addition 1, to Be Zoned Residential/Commercial Iii, Tract Ap and Tract AQ, to Be Zoned Deer Creek Residential, Tract NT, to Be Zoned Residential Commercial Iii, Tract Bp-4, to Be Zoned As Public, Tract Bp-2a Amended from Commercial to Deer Creek Residential, Tract Bp-3, Amended from Industrial to Residential Commercial iii.
17-07-18-01	Amending Title 2-Administration and Personnel, Chapter 2.24 – Officers and Employees, Section 2.24.060 – Annual Leave, Subsection - 2.24.060 (E) – Leave Without Pay.
17-07-18-02	Non-Code Ordinance, Authorizing the Sale of Approximately 800 Sq. Ft. of City Property Located Along the Property Line of Lot 7-A, Scenic View Subdivision, Plat No. 2000-45 Charles and Laura Jennings Replat.
17-07-18-03	Amending Title 3-Revenue and Finance, Adding Section 3.04.060-Disposition of Gaming Proceeds Upon Dissolution of Organization.
17-08-15-01	Amending Title 17 – Zoning, The Purpose of This Ordinance Is for Cleanup Purposes Only. This Amendment Will Make the Title More "Reader Friendly". This Amendment Does Not Change the Zoning Guideline Intents.
17-11-21-01	Amending the Thorne Bay Municipal Code General Penalties, Adding Sections 1.16.031-Surcharges, and 1.16.035-Minor Offence Fine Schedule.
17-11-21-02	Amending the Thorne Bay Municipal Code Title 2-Administration and Personnel, Chapter 2.36-Police Department--Chief, Sections 2.34.010-Department Generally, and 2.36.020-Powers and Duties.
17-11-21-03	Amending Title 2.24 – Administration and Personnel, Section 2.24.030 Employment. A. Permanent Employees, 2. Part-Time.
17-12-05-01	Amending Title 2-Administration and Personnel, Chapter 2.24 – Officers and Employees, Section 2.24.030, .040, .060, .070, Permanent Employee Benefits.
17-12-05-02	Amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Section 3.17.030-Duty of Seller to Collect.
18-01-02-01	Amending Introduction Ordinance No. 17-11-21-01, Amendment of Thorne Bay Municipal Code General Penalties, Adding Sections 1.16.031-Surcharges, and 1.16.035-Minor Offence Fine Schedule,

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
18-01-16-01	Amending Title 3, Revenue and Finance, Chapter 3.17 – Sales Tax, Adding Section 3.17.085 – forgiveness of Penalties and Interest on Delinquent Taxes, Amending Section 3.17.190 – forgiveness of Uncollected Taxes, Penalties and Interest.
18-05-01-01	Amending Title 18-Harbor, Section 18.30.010-Live Aboard Policy, (Live-Aboard Wishing to Use Their Boats Seasonally May Reserve Their Live-Aboard Status If: (I) Their Deposit Is Retained by the City, (ii). A Standby Fee Is Paid in Advance as Established by Resolution, and (iii). They Are Paying an Annual Fee for the Stall. (Ord. 16-06-21-01)
18-08-07-01	Amending Title 18-City Harbor, Removing All References to "Fines" and Adding Violations of Title 18 to Municipal Code Section 1.16.035; Minor Offense Fine Schedule.
18-08-21-01	Amending Title 1 – General Provisions, Section 1.16.035 – Minor Offense Fine Schedule.
18-08-21-02	Amending Title 10-Vehicles and Traffic, Chapter 10.20 – Parking, Standing and Stopping.
18-08-21-03	Non-Code Ordinance, Authorizing the Sale of Municipal Owned Property, Located in the Deer Creek Subdivision Lots Dc1 & Dc2, to Russell Ricks.
18-08-21-04	Amending Title 17 – Zoning, Chapter 17.04 – Planning and Zoning,
18-08-21-05	Amending Title 9-Public Peace Morals and Welfare, Chapters 9.02-Curfew for Minors; 9.12-Protection of Survey Monuments; 9.20-Litter Control, 9.22-Water Hydrants.
18-09-01-01	Amending Title 10 – Vehicles and Traffic, Chapter 10.20-Parking Standing and Stopping, Section 10.20.060-Off Street Parking Place and Removal of Unauthorized Vehicles.
18-09-18-01	Amending Title 1 – General Provisions, Section Minor Offense Fine Schedule, Adding Minor Offense Table for Violations of Title 9.02 – Minor Curfew, and Title 12-Streets, Sidewalks and Public Places.
18-09-18-02	Amending Title 12 – Streets, Sidewalks & Public Places, Section 12.04.040 Eviction; Maximum Complaints.

Ordinance List & Disposition Table

Ordinance No.	Ordinance Description
18-09-18-03	Amending Title 18-City Harbor, Section 18.20.040 Deposits, Setting Maximum Deposit Requirement.
18-10-08-01	Amending Title 13 – Utilities, Chapters 3.14-Sewer, 13.52-Water, 13.70-Solid Waste, Setting Maximum Deposit and Minimum Disconnection of Service Requirement.
19-03-05-01	Amending Title 19 - Library, Chapter 9.04 – Establishment, Adding Section 19.04.025, Subsections A, B & C.
19-04-02-01	Amending Title 18-Stall and Reg. Assignment to Include Length Definition Stern to Stem. (Clarifies How Vessels Are Measured and Billed. Currently All Vessels Are Billed by the Foot. This Amendment States That then Measurement Would Be from Stern to Stem, Including the Motor, Or Any Fixtures on the Boat.)
19-04-02-02	Amending Title 13-Utilities, Adding Fines for UMOT Fine Schedule. This Ordinance Amends the Language of Violations and Offenses in the Utilities Code.
19-04-02-03	Adding the Fines from Title 13-To the Chapter 1.16.035 of the City Code. This Goes Along with the City Adopting A Fine Schedule for All Offenses Within the City Code. By Adopting A Fine Schedule and Placing the Violations and Fees into Title 1.16.035 of the City Code, We Can Issue Citations and Collect the Fines Through the Courts.
19-04-16-01	Amending Title 16-Subdivisions, of the Thorne Bay Municipal Code, Allowing for the Enforcement of Fines for Code Violations.
19-04-16-02	Amending Title 1.16.035 of the Thorne Bay Municipal Code, Adding the Fine Schedule for Titles 16 and Title 17 of the Thorne Bay Municipal Code.
19-05-07-01	Amending Title 13 - Utilities, of the Municipal Code Is Adding Chapter 13.03 – Delinquent Accounts & Securing Collection of Debts,
19-07-16-01	Amending Title 2.48-Planning Commission, Adding Section
19-07-16-02	Amending Title 12-Streets, Sidewalks and Public Places, Chapter and Section 12.09.010-Streets and Roads Commission.
19-09-17-01	Amending Title 17-Zoning, Chapter 17.05-Authority to Enforce, Section 060-Notice of Violations and 070-Remediation Authority to Enforce.

Ordinance List & Disposition Table

19-12-17-01	Amending Title 2-Chapter 2.28 Elections - Adding that the Mayor is elected from the Council by the Voters. (2.28)
19-12-17-02	Amending Title 2-Chapter 2.24-Officers and Employees, Sections 2.24.060 and 2.24.070, increasing donation of annual leave from 40 hours to 80 hours upon approval and removing nontransferable sick leave allowing for transfer of 40 hours upon extenuating circumstances and approval of the Mayor.
20-04-07-01	Adding fines to Title 17-Zoning for all minor offenses within the Zoning title.
20-04-07-02	Amending 17.04.050-Rewording the language for violations -removing "civil penalties" replacing with "shall be deemed guilty of an infraction".
20-04-21-01	Amending 2.14.050, Administrator Powers and Duties, § A(part), D(part). Removing Serves as "Chief Executive Officer" and adding that Administrator is responsible and supervises Departments with Exception of City Clerk and Finance.
20-06-02-02	Amending Title 2, Chapter 2.38-Emergency Services Department, Adding position of EMS Coordinator in replacement of the Rescue Captain. (2.38)
20-07-21-01	Amending Title 3-Revenue and Finance-Adding Section 3.17.220-Remote Seller Sales Tax. (3.17)
20-10-19-01	Amending Title 2-Chapter 2.56-Lands-Adding LONG-TERM TIDELAND LEASES
21-01-19-01	Amending Title 17-Zoning, Chapter 17.05-Enforcement; Adding Section 17.05.065-Emergency Orders
21-02-02-01	Chapter 2.28-Elections, Adding Section 2.28.015-Polling Locations, Amending Sections 2.28.260-Time for Opening and Closing Polls, 2.28.390-Canvass Committee-Meeting-Postponing Canvass, 2.28.440 – Results Of Election – Public Declaration, 2.28.470-Section B – Absentee Ballot – Voting, Filing
21-04-06-05	Amending Title 2 – Chapter 2.04-City Council, Sections 2.04.115, Rules of Order, 2.04.180, Meetings, Order of Business, 2.04.210-Motions Second Required, And Section 2.04.055 Suspension of The Rules

Ordinance List & Disposition Table

21-08-03-01	Adding Title 5 - Business Taxes & Registration, Chapter 5.02-Business Licenses Generally, Sections 5.02.010-5.02.085,
21-08-17-01	Amending Title 3.17-Sales Tax, Section 3.17.065-Registrations, providing for a one-time registration fee of $25.00
21-10-11-01	Amending 2.28.135-Qualifications-Mayoral Election. Requires that a councilmember served at least one year to be eligible for office of Mayor
21-11-16-01	Amending Title 3 – Chapter 3.17-Sales Tax, Section 3.17.0801-Penaltiy and Interest on Delinquent Taxes (removing “working days” adding “calendar days”
21-12-21-01	Amending Title 2 – Chapter 2.24-Employees and Personnel, Section 2.24.040-Travel and Perdiem – Amending mileage reimbursement to be consistent with the GSA table